App. F. IX-4

✓

193 .

(Law)

File No. 130-30

Serial Nos. 1 – 11

Previous References
Law 46-30-142

Later References
Law 101-32-1-10.

(1 E 32)

General and Revenue Secretariat.

Serial Nos.

Part B for July 1932

SUBJECT.

Divorce case O.S. 25/28-29 on the file of the Dist Court Mysore (Director of Industries & Commerce Vs. Mr. V. Ramalingam.

2

Mr. Abdul Aziz
12/4/32

General and Revenue Secretariat. SGT File No. 83 of 1929

D 6741

Serial No.	
	Letter No. 3912 dated 8th Oct from the Dir, S. V. T. forwarding in original Mavlankar's letter 8/2/30 to the Liquidator, Esconfirm Trading Ltd. Please arrange delivery of Machine to the Dev. Secy.
	Sent with a draft. Mavlankar's letter is addressed to the Liquidator of the Company. No Liquidator has been appointed and it is presumed Managing Director is meant.
	Dy. 12.2.30. 13
	Dev. Secy)
13/V	Secy 13/2/30
	2/Issue
2	To the Dir etc 13 2 30
	No. 926 Dy 15-2-30 Secy 14/2/30
	As the letter of Authority rqd is in N.I and requests him to take immediate possession of the articles mentioned therein and report the details of quantity etc. received.

NOTE—Contn. sheet.

General and Revenue Secretariat. File No. 83 of 1929.

Serial No.	
3	Letter WD$_2$-1122.29 dt 18th Feb. 1930 from the Dir. Dy. stating that he has addressed the Liquidator of E.P. to forward the consignments and that he shall take necessary action about their disposal after they are delivered to him. Seen by the Hon Secy.
4	Letter WD$_2$-1122.29 dt 5th March 1930 from the Dir. Dy. forwarding copy of letter from Mr Ramalinga Mudaliar declining to hand over Musk rat skins in the absence of office books &c. and soliciting instructions in the matter. Secy's note:- I doubt whether "the files and books" can be returned till the proposed Suit against E.P. has been disposed of. It means that the delivery of these articles is indefinitely postponed. Inst. R. by 3. (18th ember)
5	I cannot understand why delivery of these articles is put off. The files and books would not be necessary for giving these articles if the Essenplems has any claim against these articles, it is a different matter. The Liquidator

NOTE—Contn. sheet.

WD 066—GPB—30,000—26-7-29

6741
762

3

(3

App. F. III—2]

General and Revenue Secretariat. 857 File No. 83 of 192 9.

Serial No.	
	Cannot, I think, delay entering on his charge. If he goes on delaying we shall have to apply to the Court for relief. Ind M.N. to 6/3
	Draft accordingly to Dir. Pts
	Ind. N.R. 11/3.
	Ld. Privy Council a draft. (No legislation 18.13.3.30. has yet been approved for the Company).
2nd	
	for approval
	Secy 15/3/30
17/3	Secy 8/3/30
	22 3 30
	Secy 22/3/30
5	Do one Dir. Pts
	No. D. 1057/9 dt. 3-30
	States that there is no need for the records of the Standard Oil Case and that the Exemption Clause No. 4 may be asked definitely if they are not going to deliver the properties, or that the Court of Law may be approached for ruling.

GENERAL SECRETARIAT

NOTE—Contn. sheet.

WD 066—GPB—30,000—26-7-29

4

7620.29
48b.3v.

(4

App. F. III—2]

General and Revenue Secretariat S. V. 7. File No. 83 of 1929.

Serial No.	
6	Letter No D2-1122.29 dated 15th July 1930 from the Dir. Pk. reporting that Mr Ramalingam has been appointed as Receiver by the Dk. Court Mysore and that as such he declines to hand over Maralankan's consignment of Musk and Xylol in the possession of Essenflora Co.

9 Srbd for orders, with refer. The Director suggests that an application may be made to the Dk. Court for relief. This is for orders Law Secy may be consulted if an application for the purpose is maintainable. 10

18.7.30. Evidently the party wants to gain time. The Dwda may kindly direct necessary action in consultation with the Govt. Advocate. Law Secy was also consulted yesterday.

Dev Secy) 18.7.30

11 L R with compts for favour of opinion. The facts are briefly:

K B Maralankan, who had a consignment of musk, xylol, and musk ambrette lying on his account with the E.P. Co transferred his ownership to Govt and wrote a letter to the "Liquidator, E.P." to deliver the goods to the Dew. Secy or order. The Liquidator Receiver who has since

Note—Contn. Sheet

WD 02328—GPB—10,000—22-4-30

46s 830.

App. F. III—2]

General and Revenue Secretariat | File No. 83 of 1929.

Serial No.	
	been appointed says he cannot deliver the finds except under the ordering of the Court. Opinion is requested as to whether an application may be made to the Court to direct him to hand them over. The finds were the property of Nawalkhan and became the property of Govt, and the E.P. had never any right to them.

17/Law

Govt
D.M.

19/7/30

12 The Court must be approached in the matter.

D.M. 21/7
22/7/30

Were exhibits compo—

(1st Member)

OFFICE OF THE FIRST MEMBER OF COUNCIL
23 JULY 1930
No. 659

26/7/30
26/7/30

13 Mrs
27-7-30

28/7/30

14 Draft
28/7/30

15 Draft. Sanctioned
14 29.7.30.

29/7/30

Note—Contn. Sheet

Issue
1/8/30

WD 02328—GPB—10,000—22-4-30

6

SWF File No 83 426 of 192 9

General and Revenue Secretariat

Serial No. 7

Letter No. 1472 8 4 8/30 dtd. 5/8/30 requesting that 15 appeals of the Bar Council in the matter of the recovery of Cusk Rights in the Presidency Dts. &c. and Water necessary action in connection with the Cadastral Survey of Dts. &c. may be

Secy Mdu 5/8/30

GEN. & REV. SECRETARIAT - 6 AUG. 1930 DEVELOPMENT BRANCH.

Referred to the Board Secy/Rev 6/8/30

Secy Mdu 14/8/30

GEN. & REV. SECRETARIAT DEVELOPMENT BRANCH

Note–Contn. Sheet

1226/31.

App. F. III—2]

General and Revenue Secretariat S. 67 File No. 83 of 1929.

	Serial No.	
D. 6930.	8	Letter no. D$_2$-1122-29 dated April 1931 from the Dir. of Ag. stating that an application has been made to the Govt., Nagpur, to have the consignment of Musk seized &c. belonging to late Mr. Mahalankar sold, &c. The main file has been sent to the Govt. This may be sent to them in continuation to their D. 4586-30 4.4.30
D. 4586-30		
Secy to Govt. 7.4.31.		Mr. Mehta Jt. Director of Agriculture requests permission to see the Director of Agriculture Nagpur 4/4/31
GEN. & REV. SECRETARIAT 13 APR. 1931 DEVELOPMENT BRANCH. 4/4		Dev Secy) 6/4 6 4 31 6/4
in his letter no. D-1122-29 of 15.5.31. (D-1107-31 of Govt: Nagpur.).		The Dir. of Ag. is stated to have reported to Govt. Nagpur in D. no. 25-28 that he received 4 cases of Musk seized and that a sum of Rs. 430-12-0 was realised by the sale of the 4 cases Mr. Ramalingam is stated to have sent quantity and his further report is awaited in the Govt: Nagpur.
		This file may also be sent to Govt. Nagpur for being linked to the file of
NOTE—Contn. Sheet		
7.9.31		15.4.31. Protection Branch) 7-9-31

WD 02553—50,000—GPB—8-7-30

4277

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Appl[n] under sec 15(1) of Order 40 rule 1 C.P.C in O.S. 257 of 28-29 Mysore

Dn of D+C -v- Sri Ramaliyam of Escanfleurs }.

Please put up a draft calling for a report from the Pr, Mysore as to the progress made so far in this case & the date to which it may otherwise posted for hearing -

MP 6/3

Dft put up: sd

ISD 7/3

Issue MP 7.3

Sum A issued No. P. 5423 dated 7.3.31.

ISD 9/3 MP 9.3

Letter No 464 dated 8th March 1931 from the Pr. Mysore reporting that the application was filed on 15.10.30, and fresh notices to the receiver of the Escanfleurs product LTD was ordered by Regd Post & also enough ct returnable by 10.3.31.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Subd for perusal

ISD 10/3 5.0.783-29 (Vol I) may kindly be put up

MP 10/3

4299

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

File nos. S. O. F. 85-29 (1-7)
with S O F. 51-28-14 are
limited heads.
LC. 1.2.3.31

This is not reg. It may
be retd to Dev Br
BNP
13/3

1) The order to deliver given by
Col Mr Maclennan — Flag 'N' +
shows that the Consignment of
Musk Xylol etc in the hands of the Receiver
of Essenflow Products Ltd is on
Mr. Maclennan's account. In
furtherance of this order steps are
being taken in the Mysore Dist
to get delivery of the goods. It is
doubtful if on account of this,
we can get an order of attachment
in the Civil Suit now filed in
in the Civil Suit now filed in
Bangalore, as regards this property.
Legal Br

BNP.
13/3

Returned 20.10.13

S.O.F 51-28-14 (linked)
may be returned in the Dev
Branch & the rest returned
for further action
(Cotton)

BNP
1).3

Returned
Land Seeds

V.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

2) Has a reply been received from
the Dpty Mysore as to the progress
made in the case on 10/3/13.
If not please put up a draft
enquiring. June 1913.

4657
4299/P

10

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Dft to the Pfr. Mysore is put up accordingly

ISD 19/1

Issue
me
19.3

To

The Pfr. Mysore

No. P. 6056 dated 25.3.31

enquiring as to what happened to the Case on 10.3.31.

~~Submitted~~

Sen A

ISD 26/3.

Please put up on 30th if no reply is received by me
26/3

Letter no 513 dated 30.3.31 from the Pfr. Mysore, enclosing a Copy of order and Copy of objection Statement returned.

for perusal

ISD 2/4

DOD 1) The Dt Ct has passed an order for sale of the Musk products, the sale proceeds being deposited in court pending settlement of claim by first Mr. Ramaiyan is ordered to deliver possession of the property by 4.4.31 for perusal

L.R.S. Has this been brought to the notice of the Court ? 2/4

N. B.—Should routine notes be written on small slips the notes must be cipoed, or slips pasted on this form.

1.68

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

This property has not been attached in the Civil suit, since ~~first~~ though the Director of I+C is claiming it in this case in mysore on the authority of a transfer obtained ~~as~~ from late mr mastakar. Now that the H.C. mysore has ordered the sale of the property & the realisations thereof will be deposited in court pending settlem of the claim, there appears to be no immediate necessity of getting this attached in the Civil suit, ~~as~~ which can only be done on an allegation that the property belongs to Escrituras ~~and~~ - This can be done in case the claim in mysore is held to be not-proved - for orders.

(L.R.) min ni dgm pore
Mangalore 7.4.31
Examined.

N. B.—Should routine notes be written on small slips the notes must b cipoed, or slips pasted on this form.

Please ~~find~~ draft to dpr mysore
requesting him to send a copy
of the affdt filed on behalf of
Director in this case
pore 8/4.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Dft to me PPr. put up.

ISD 9/4

Issue Order
PPR
9.4

Secy A. Issued vide P. 6572 dt. 9.4.31

ISD 10/4

PPR 10/4

Letter no. P. 550/1. dated 10th April 1931 from the PPr. Mysore forwarding a copy of the application filed under Sec 151 and order XL, R. 1. C.P.C.

Subs for perusal

ISD 13/4

1.) Dft to Mr Rajeswara Iyer is put up.

ISD 13/4

13) Refer para 10 above — Draft to — re: A. R. N. Iyer may be approved.

Legal Adv

PPR 16/4

14) [illegible]

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

PPR 15/4

Secy A [illegible] 19/5 Issued vide P. 6676 dt 17.4.31

ISD 21/4

PPR 21/4

G. R. S. III—31

ROUTINE NOTES.

[To be used only for notes, requisitions, etc.; not intended for permanent record.]

Letter dated 16.5.31 from Sir
A.R.N. Lee stating that in his
opinion no further action is
necessary

originals in
file relating
to S.O. Court
Case

DPP
19/5—

Do A.R.N. Lee Esq

579/p d 18.5.31
agreeing with the above
view—

Asst D. to obtain
report from the PPs.
Papers

DPP
19/5—

N. B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

OFFICE OF THE PUBLIC PROSECUTOR MYSORE DIVISION
615
Date 23-6-31

14

5-4-92

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION.

PROGRESS REPORT FOR 22-5-31.

Submitted to the Legal Remembrancer, Bangalore.

11 JUNE 1931
2205

1. District Judge's Court, Mysore.

O. S. No. 25 of 28-29.

(Plaintiff: Bank of Mysore Vs Essenfleur Products Ltd.,)

Petitioner: Director of Industries and Commerce.

Vs

Opponent: Mr. V. Ramalinga Mudaliar.

15) The Bank of Mysore declined to act as Recevier to advertise for the sale of and sell Mavlankar's Musk Products. The Director of Industries is appointed Receiver. The Bank has no objection.

For the return of Receiver's Report adjourned to 17-7-31.

K. Ramaswamy

Public Prosecutor,

Mysore Division.

Subo for perusal.

2/6. Please put this at in the connected file in sno & submit

3/6

Receiver's report is to be awaited.

for perusal

ISD. 6/6

16) for favour of perusal

Dev: Secy)

7.6.31

17) 1st member)

10 6 31

12-6-31

Sec B

13/6

13/6

Rembd 11.6.31

11 6 31

Mr TSD

The case re:. Messrs
Products in O.S. 25 of
v.29 in D.C. Mysore
was said to be posted to
17.7.31 for return of
Govt's report.
Has any further progress
report been received -
Whether a R.V. may issue,
to Govt. Mysore

DME

Issue
DME
8/8/31

9390 11/8/31

804 16

App. F. III—2]

General and Revenue Secretariat | File No. | of 193

Serial No.

Letr no. 138 dated 13.8.31 from the PR Mysore enclosing a copy of the letter addressed by the D. of Ire to the Dist. Judge, Mysore, and stating that the Case is posted to 17.8.31 to await return of the Commissioner's report.

2) Director of Ire was appointed as receiver in this Case on 2.6.31. The case was originally posted to 17.7.31 for submission of Commr's report. As the receiver wanted time to Complete the report the Case is adjourned to 17.8.31.

Subs for perusal

ISD 15/8

2) The Dir of Ire states in his letter of 6.7.31 that he has not yet received possession of the Musk Products from Mr V. Ramabhyam — We may enquire the dir whether he has got the articles now & when he proposes to sell them off as per order of the Ct. Please put up a draft

DRP 15/8

Dft is put accordingly

ISD 17/8

2) may be approved

Secy)

DRP 17.8

W by Lee 20/8

GENERAL SECRETARY'S 17 AUG. 1931 No. 1343

GENERAL SECRETARY'S 20 AUG. 1931 No.

Note Contn. Sheet

SECTION 20 AUG. 1931

WD 02328—GPB—10,000—22-4-30

Issue

DRP 20/8

Serial No.

To

The Director of Ind & Com[s]

No. P. 1125 dated 21-8-31 inviting reference to his letter addressed to the Dist. Judge Mysore, and enquiring whether Mr. Ramalingam has handed over the articles to him and when he proposes to sell them as per orders of the Govt.

See A.

TSD 24/8

Letter No. 151 dated 22.8.31 from the Pr. Mysore, enclosing a copy of the letter received from the Dir. of Ind & Com and informing that the Case stands posted to 31.8.31.

x Hyg 'c'

x3) Dir[r] of Ind & Com in his letter addressed to the Dist. Judge, Mysore reports that he received 4 Cases of Musk products from Mr. Ramalingam, and the same was put into auction in which they were knocked down by the Govt. Soap factory for Rs 430-12-0. It is also stated that Mr. Ramalingam has promised to render accounts for the quantity sold by him.

The report called for from this office is awaited.

Sub[d] for perusal & orders.

TSD 25/8

x1) Hyg N in the connected file — the order of delivery signed by late Govt Marlankar, mentions 11 cases of the Musk products. From the Director's report-

NOTE—Contn. Sheet.

18 U.C. / T.C. 954

File No. of 193 General and Revenue Secretariat

it is seen that only 4 cases have been received from Mr. Ramalingam & they ~~have~~ have resulted in ~~been~~ sold for Rs 430-12-0.

Evidently Mr. Ramalingam must have disposed of the remaining 7 cases & if he has done this after the assignment, (ie after February 1930), he is prima facie liable to account for the same.

The Director says that further report from Mr Ramalingam is being awaited.

As per orders of the Dt Ct Mysore, this amount now realised by sale has to be deposited in court, pending disposal of the claim of sort in the matter.

Submitted for perusal

(Gen Secy)

25/8

(Member)

26/8

26/8

27/8/31

(Development Secy)

28/8

Submitted for perusal

29/8/31

(Second Member)

Law Secty) 7/9 8/9 3/9

GENERAL SECRETARY 26 AUG. 1931 No. 954

OFFICE OF THE FIRST MEMBER OF COUNCIL 26 AUG. 1931 No. 2114

OFFICE OF THE SECOND MEMBER OF COUNCIL 31 AUG. 1931 No. 1497

1172
1157 ✓

19

App. F. III—2]

General and Revenue Secretariat | File No. | of 193 .

Serial No.

Posted for Evidence on 6.10.31 re: the ownership of Mavlankars Musk Products.

34 Copies of applⁿ + objn Stt in this case were sent to Mr A.R. Nagaswamy Iyer with our letter of 16th April 1931 - Please get them back

DNP
3/9/31

Dft to Mr. A R N : Sub-Joint

180
9/9

Issue
MM 5/9

Letter No Dr-1172/29-30 dated Augst 31st 1931. from the Dir of Stc forwarding a copy of the letter addressed to the Dist. Judge, Mysore. A copy of the letter was already received from the PRr. Mysore. Vide flag 'C'.

Subⁿ for perusal.

180
9/9

DS Please put up a draft to the Dir informing him that the case is reported to have been posted to 6.10.31 for evidence regarding ownership of the Musk Products and requesting him to take steps in time in consultation with the PPr Mysore to adduce the necessary evidence in court for the purpose.

Copy to PPr

DNP
7/9

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8-7-30

1792/1488.11-1.DV

20

File No. of 193 General and Revenue Secretariat

Dft to the D.D.C. & put up according to

TSD 9/9

To for perusal before issue

Gen Secy) 7.9.

Ltr rec 12-9-31

GENERAL SECRETARY 8 SEP. 1931 No. 1846

Issue 12/9

TYPING SECTION 16 SEP. 1931 GENL. & REV. SECTT.

The Dist. of D.C.

No. P. 1693 dated 18th Sept 1931

informing that the Case is reported to have been posted to 6.10.31 and requesting to take proper steps to adduce necessary evidence before the Ct. on that date

Copy to Pltr. Mysore

Sus B. 16/10/10

TSD 21/9

Posted for further Evidence 28.10.31

Sus 16/11

TSD 22/9

Progress report for 29.10.31 — Pltr's letter dd 29.10.31

Pltr's Adv. is heard to be slightly indisposed. Adjourned to 30.10.31 for re Examinat of D.D.C.

Pr. report for 30.10.31 Pltr's letter dd 30.10.3

Mr. N. Ramdas, D.D.C. was Examined as Pr. 2

Petitioner's closed. The Bank also closed their Case after their mortgage deed

Adjd for Arguments to 16.11.31.

for perusal.

TSD 6/11

OFFICE OF THE PUBLIC PROSECUTOR MYSORE DIVISION
No. 347
Date. 16-11-31

A 2064 p 0.37
21

Office of the Public Prosecutor, Mysore Division.

Progress Report for 16-11-1931.

GENERAL SECRETARY
17 NOV. 1931
No. 1015

Submitted to the General Secretary to the Govt. of His Highness the Maharaja of Mysore, Law Section, Bangalore.

District Judge's Court, Mysore.

O. S. 25 of 1928-1929.

(Bank of Mysore Vs Essenfluer Products Ltd)

Petitioner:- The Director of Industries and Commerce.

Memo filed by the Petitioner.

For orders adjourned to 17-11-1931.

38) N.B:- The Court does not appear to be quite satisfied with the sufficiency of evidence re: the late Mr. Navlankar's ownership of the Musk Products.

Re: Maintainability of the application the following authorities were cited by me.

(1) I.L.R. 26 Madras Page 492 (493)

(2) A.I.R.(1923) Rangoon 208.

(3) Mulla C. P. C. Page 905.

(4) Law of Receivers. L.C.Series Page 610.

(5) Halsbury Vol.XXIV. Page 381, Paragraph 716.

K Ramachandra Rao
Public Prosecutor,
Mysore Division.

Subd for Record

TSD 16/11

2088 P 31

OFFICE OF THE PUBLIC PROSECUTOR MYSORE DIVISION. No. 352 Date 17.11.31

Office of the Public Prosecutor, Mysore Division.

Progress Report for 17-11-1931.

GENERAL SECRETARY. 18 NOV. 1931 No. 3135

Submitted to the General Secretary to the Government of His Highness the Maharaja of Mysore, Law Section, Bangalore.

District Judge's Court, Mysore.

O. S. 25 of 1928-1929.

(Director od Industries & Commerce Vs Mr. V. Ramalingam)

39) Orders passed.

Application held maintainable.

Evidence insufficient to prove ownership of the Musk Products.

Further chance given to the Petitioner to adduce more evidence and also tb the opponent.

Parties must be ready with their evidence by 19-12-1931.

Public Prosecutor,
Mysore Division.

49 Submitted for perusal -
Copy of the order now passed will be obtained & the Director asked as to the further evidence available.

Gen Secy)

Dev Secy)

2nd Member)

GENERAL SECRETARY. 18 NOV. 1931 No. 3135

Serial No.

Letter no. 356 dated 19th Nov 1931 from the Public Prosecutor, Mysore intimating that the clerk of the office of the Dir. of Ire, and the Present Director of Ire were examined on 6.10.31 and 30.10.31 respectively, and that the learned Dist. Judge was pleased to order that a further chance to be given to the parties to adduce more evidence in the case with a view to dispose of the claim once for all without Compelling the Govt to resort to a regular Suit, and requesting the Govt to take immediate steps to secure all the oral and documentary evidence on the several points suggested in his note.

4) Copies of the note sent by the PPr may be sent to the Dir of Ire and the Govt. Ad. with a request to furnish the necessary information to the PPr before 26th inst. Dev. Br. may also be requested to put up all Connected references rel: the claim to Mavlankar's Musk Products.

Sec? Grades.

ISO 20/11

4) The only question to be determined is whether the Musk Xylol & Musk Ambrettee in dispute were the property of the late Mr. Mavlankar, when he gave the letter of authority dated 2nd Jan 1930 to the then Trade Comr of Mysore in London (Mr. B. T. Keshava Iyengar, Retired) - This letter of

NOTE—Contn. Sheet.

24

4936

File No. of 193 General and Revenue Secretariat

of authority was sent in original by the Trade Comr to the Dir of S.O.T who sent it on to the Dev Secy - He then endorsed it in favour of the Dir of D.T.C. who has made the claim in the Dt of Mysore.

(3) The present Dev Secy who was the Trade Comr at the time may in the first instance be consulted as to the circumstances under which the late Mr. Mavlankar gave the letter of authority and whether he is personally aware of any material evidence to prove the ~~ownership~~ ownership of Mr Mavlankar to the said articles -

(Gen Secy)

Yes

DNP 20/4

(4) Dev Secy
with compts

23/11

DNP 23/11

(5) As far as I can recollect, I do not think there are any references in this connection in the T.C's Office in London. I cannot say how or under what circumstances the letter of authority addressed to the Legislature by Mr Mavlankar was forwarded through the T.C. The original letter may kindly be sent for -

(Law Secy)

MS 23/11

GENERAL SECRETARIAT
23 NOV. 1931
No 3561

2138

App. F. III—2]

General and Revenue Secretariat | File No. | of 193 .

Serial No.

46)
If approved this will be sent u.o.g to the Director of S.O.I for an expression of his views on the several points raised in the PPr's letter of 19th Nov^r + the note attached to it and for favour of putting up the original letter received in his office from the Trade Com^r with which the letter of authority in question appears to have been sent (Vide Director's letter No: 3912 dated 6th Febr 1930 in the linked file), for perusal of the Secretary -

Genl Secy) MP 23/11

47) Yes 24/11

U.O.No.P 5573/31 dated 24/11/1931

48 Forwarded with Compliments to the Director of Sanwal oil factories in enquire for favour of opinion etc -

B.O.

DNPrabhakar
for General Secretary

24/11

2261/2 1.12.31.

49 Returned with compliments -

I have been able to trace two original documents, one a letter from Manekchen dated 29 4 29 explaining the circumstances in which he sent the Musk products to Messrs Essenflora Co. and the other, the invoice dated 8. 8. 28, which relates to the consignment. ~~Both~~ The former, ~~is~~ indicates that Manekchen wrote to the Essenflora Products instructing

GENERAL SECRETARY. 24 NOV. 1931 No. 3583

GENERAL SECRETARY. 1 DEC. 1931 No. 'D'

NOTE – Contn. Sheet

WD 02553—50,000—GPB—8-1-30

File No. of 193 . | General and Revenue Secretariat

know about the disposal of the articles, and it is more than probable that they wrote a reply acknowledging receipt. Those papers would no doubt be conclusive on the question of title, but they letters are unfortunately not traceable in the papers with me. They would be "To" I understand that some papers of "To" and "From" registers of the Excise & Salt Products are in the custody of the Dist Court at Hospet, & I have put my instructions the Public Prosecutor to obtain inspection of them.

50 The papers traced here (referred to at the beginning of this note) have been flagged. They may be kept & returned after inspection or they may be sent to the Public Prosecutor as may be thought best.

3/11/31

N Rainer Rao
Dir Ind

51) As the invoices mentioned in the Director's note and original letter required by the Dev Secy in para 45 supra, were not sent, I saw the Director personally with the file yesterday & got the necessary papers

52) The Travancore's letter of 11th Jan 1930 (in original) with which Mavlankar's letter of authority was sent to the Dir of S.O. & is flagged 'C' of the Dev Secy

Letter No. 391 dated 28 Nov 1931 from PPr mysore forwarding a list of witnesses he has summoned in the case for 19.12.31 & seeking further instructions if any.

Serial No.

can give any material evidence in the case, it would be advantageous to examine him on 19.12.31 & the PPr, enquire will be informed accordingly.

53 The documents now sent by the Director go to establish the fact that before the controversy began, Mavlankar claimed ownership of these goods. This is relevant evidence and would certainly be of much help. What has further to be established is that the Essence Products had treated these goods as Mavlankar's. This can be done only with the help of the records summoned by the PPr enquire from the Mysore Bank & Messrs Kaushikpathria and Ramalingam. In addition, it is likely that an inspection of the papers seized by the Police during the Sandal oil defalcation case & now in the custody of the Dt at Mysore, may give material information in the matter. A list of these papers ~~were~~ made by the D.S.P there & ~~sent~~ sent to the Law Secy. Item 30 of statement B of that list may be very useful in this case. The PPr's attention will be drawn to this also.

'N'

54 As regarding proving Mavlankar's Signatures, I learn from the Director that

NOTE – Contn. Sheet

2138

File No. of 193 General and Revenue Secretariat

he can speak to it and Mr Bhavani Shankara Rao of his office said that Mr Nanjunda Rao put his signature to the statement (typed) ~~recorded~~ in his presence.

Apart therefore from examining the Director & Mr B. Bhavani Shankara Rao and producing the relevant documents, I do not think there is any use in examining the other witnesses mentioned in the PP's list (P. U. 2). As for examining Mr B. T. Vasava Iyengar, reference is invited to paras 43, 45 & 52 above & his views may therefore be ascertained in the first instance.

'P'

GENERAL SECRETARY 3 DEC. 1931 No 3868

Shri Narasimha Rao
" D. Seshagiri Rao
" S. G. Sastri
" K. R. Krishnaswami Iyengar

(per Secy)

MMP 3/12/31

Date of hg 19-12-31

Devi Secy
Will comply

MMP 4/12

3/12

(2) I am afraid I cannot throw much light as to how the letter of authority passed through the Travancore's office in London. I know Sir Nanjunda Rao was dangerously ill at that time and could not have brought it in person. The letter of authority might have been sent thro' the T. C's office probably in reply to a requisition on the letter of the Director

2347 V

App. F. III—2] 29

General and Revenue Secretariat | File No. | of 193 .

Serial No.

From, the Pr. Mysore. no. 414 forwards copy of the D.O. addressed to the Dir. S.O.T. intimating that no reply is forthcoming in any regard or correspondence to the despatch of Rubber products, and that Mavlankar's original letters & other letters addressed to Mr. B.S. & Mr. Y.N. may be of some use to prove Mavlankar's signature

GENERAL SECRETARY. 4 DEC. 1931 No. 2356

GENERAL SECRETARY. 7 DEC. 1931 No. 2356

OFFICE OF THE FINANCE OFFICER OF MYSORE 1931 No. [illegible]

TYPING SECTION 8. DEC. 1931 GENL. & REV. SECTT.

of Sandal oil factories referred to in D.C's letter (C). Without looking & refer, it would be more fruitful work for me & speak anything. Checked Gentlemen's Complts

MG 4/12 MGN 4/12

1) A draft to the Pr, Mysore is herewith submitted for consideration & orders.

Gen Secy)

Asst Member)

DNP 5/12 7/12 DNP 7.12

8/12

Issue today

DNP 8/12

To,

The Pr. Mysore.

No. P. 3241 d 8.12.31 forwarding certain documents sent by the Dir. S.O.T. for production in Court, and suggesting the important evidence that is to be adduced in the Case.

To,

Dir. Bor. for formal return

Submit the report received today

DNP 11/12

Sur Asstr

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

2736

File No. of 193 General and Revenue Secretariat

Progress report No: 455 Dated 20/12/31 from P[P]r Mysore, stating that the Director of I.T.C as well as Mr Bhavani Shankara Rao were ex[d] on 19/12 & that the case is ad[d] to 22/1/32 for further evidence.

(2) This is about the application filed by Director of I.T.C on behalf of Govt in the Dt Ct Mysore claiming possession of certain Musk products assigned over to Govt by late Mr. Mavlankar.

Submitted for perusal

(Chief Secy).

22/12

22 DEC. 1931

Extract from P[P]r's report dated 23.12.31

Musk Products claim

(b) Mr. M.C Lakshmipathaya was partly examined. He seems to be in possession of the original Correspondence between the late Mr. Mavlanka and the Essen Glen Products Ltd. in the matter of the despatch and receipt of the musk Products. The witness has promised to search for the documents and produce them to Court after obtaining the

(The original is in the file relating to the exec[n] case)

16[illegible] 2736

31

General and Revenue Secretariat | File No. | of 193 . | [App. F. III—2

Serial No.

Concurrence of the Directors.

for Perusal.

TSD 28/1 What is the next dated hearing?

DRP 28/12

Next date of Hg is not given in the Pr. report sent by the Pr. Further report which is due in the next few days may perhaps be awaited.

TSD 6/1

Report received today – Perused

DRP 6/1

Progress Report No 488 dated 4.1.32

Mr M.C. Lakshmipathaiya appeared & stated that he is waiting for the instructions of the Managing Director to produce the Husk Products papers. Mr M. Venkatakrishnia, Advocate promised to communicate with Mr V. Ramalingam who has gone to Madras & report on 8-1-32.

await further report

DRP 8/1

Pr. report no. 502 dd 9.1.32.

Mr. M. Venkatakrishnaiya, Advocate for receiver, represents that the documents referred to as items A.B.C.&D. in the petitioner's memo dated 28.11.31 are not in the petitioner's custody as they are said to have been seized by the Govt. He wishes to Counsel his client & make a Statement re: permission to Mr. M.C. Lakshmipathaya to produce them.

Adjd to 3.2.32

Date of Hg is not mentioned.

For perusal.

TSD 11/1

DRP 11/1

NOTE—Contn. Sheet.

WD 70—GBPM—50,000—13-8-31.

32

File No. of 193 .

General and Revenue Secretariat

P Pr report No. 575 of 6/2/32

Mr. M. Venkatakrishnaya Adv. states that accused has no obj to the production of the papers called for from Mr. M.C. Lakshminarthaya Petitioners 4th witness was examined. A sum of Rs. 57-11-0 will be paid to the Dr of Hfe. in settlement of his claim. Mr. K Ramasami wants to examine the Industrial Chemist & the then Asst of Executive Products Hs Invited for perusal. Adj'd to 19th inst

8/2

Posted 7.3.32
" 15.3.32

Pr. report ~~dated~~ no. 662 dated 7.3.32 from the PPr. Mysore stating that the receiver has not been able to trace the original papers summoned and the case is adjourned to 8.3.32 for production of copies.

Hrgs of

Pr. report no. 664 d 9.3.32 from the PPr. Mysore forwarding a copy of the application filed by the claimant for value of the musk Products claimed by him and intimating that the case is adj. for final disposal to 15.3.32

Letter no. 670 dated 10.3.32 from the PPr Mysore returning the list of records relating to the S.O. deputation Case, and stating that Mr. M.C. Lakshminarthaya is summoned to produce the (Cancelled) papers which was kept in the office of the Managing Agents.

General and Revenue Secretariat

File No. 4195 (Dossier of 9.8C vs Mr. Ramalingam) 33
Rusk Products Case
of 193 .

Serial No.

'7'

filed on behalf of the Petitioner,

5) A Copy of the application under Sec 151 + order XXI Rule 10. C.P.C. is subm for perusal. The Director of Industries & Commerce claims a Sum of Rs 3074-1-0 on account of Rusk already sold by Mr. Ramalingam -

ISD 1/3.

6a) The case is adjourned to 15/3/32 for finial disposal

Dewsey)

mp 1/3

6b) Disposal may be written

mp 12/3

Arguments heard for orders 19.3.32

Sir B. mp 14/3.

From,

The PPr. Mysore

No. nil dated 17.2.32 informing that orders are pronounced allowing the application with Costs.

6a) Refd Para 63 Supra

Copy of the last paragraph of the order is subm for perusal

ISD 29/3.

6b) The copy of the portion of the order sent is not sufficient to know what the Ct has decided about the Govts claim for Rs 3074/- against the Receiver - Please call for a full copy of the order above

BAP 29.3

6c) Dft Pursuit.

ISD 29/3.

6d) Issue & resubmit

mp 29.3.

NOTE—Contn. Sheet.

O.S. 25/28-9 on the file of the Dist. Judge. Mysore 4441

34 (The Director of Sc vs Mr Ramalingam)

File No. of 193 . | General and Revenue Secretariat

To

The Pr. Mysore

No. C. 5737 dated 30.3.32 Calling for a copy of the full text of the order.

Subd: for perusal after some with reference to para 66-69 Supra.

ISD 31/3.

70). The District Judge, Mysore, has held the Mysore products to belong to Govt & has directed payment of the money in deposit in Court - The copy of the extract from the order sent is not clear as to what directions have been given with respect to Govt's claim for Rs 3000 & odd against the Receiver Mr. Ramalingam - Copy of the full text of the order has been called for -

'R'

(Gen Secy)

DRP 31/3/

Dep Secy,

71) For perusal.

(1st instant)

HM 5/4

MRG 7.4.

MS 7/4

A2

72) Mute 9/4/32

M 9/4

Mem 11/4/32

Law Secy. KS 11.4.

GENERAL SECRETARIAT 31 MAR. 1932 No 6548

OFFICE 8 APR 1932 6083

O S. 25/28-29 - Dist. Ct. Mysore.
(Dir of I Rc vs V. Ramalingam) 38

[App. F. III—2

General and Revenue Secretariat | File No. of 193 .

Serial No.

From.

The PPr. Mysore

No. D dated 1st April 1932 Stating that on the application originally filed, the Court was satisfied after recording evidence that the goods were the property of the late Mr. Mavlankar and the Govt became entitled to them under the letter of assignment, and that on an application for money Compensation the Court was not inclined to grant such a prayer, and pointing out that it is learnt that Mr. Ramalingam has sold musk products of the value of Rs 1250 and has sent a quantity of the goods for sale to Bombay and that Mr. Ramalingam should now be called upon to get back the unsold goods and deliver them to Govt and to account for the value of the goods already disposed of

(3) Doubt expressed in para 67 supra should be made clear. Copy of the full text of the order may perhaps be awaited PPr States that the certified copy of the order will be sent in the usual Course He may be requested to send it early Further action as desired in para 5 of the P.W.S. in the matter of recovery of unsold goods from Mr Ramalingam may be taken by the Director of I Rc.

Subd for perusal orders.

ISD
12/4

(4) The certified copy of the order

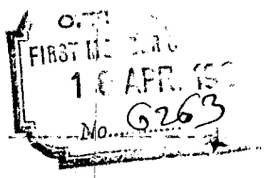
NOTE—Contn. Sheet.

36

O.S. 25/1929 — Dist. ct. Mysore. 4576
(Dir of Ind vs Mr. V. Ramalingam)

File No. of 193 .

General and Revenue Secretariat



may be awaited. In the meanwhile a copy of the DP's letter (P.V.D.) will be sent to the Director for information & necessary action regarding the recovery of the value of Musk Products sold away by the Receiver. A separate suit will be necessary for this purpose, if Mr. Ramalingam is not agreeable to settle the matter otherwise.

Hqrs
MS

(Gen Secy)

DOP 12/4

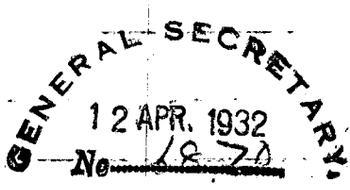
(Dep Secy)

HM 12/4

DOP 12/4

(1st Asst)

MS 13/4



1) Action on above may be taken. Prompt steps should be taken for recovering the article or its value.

Mug 14/4 pr

Mug
15/4/32

MS
18/4

2) Dft to the Dir[r] of Ind expressing regret

Mug 19.4.32

IAS 19/4

3) For perusal before issue

(Gen Secy)

DOP
19/4

HM 20/4

Issue

DOP
21/4

Musk Products Case.

87

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

To,

The Dir of I & C

no. P. 6161 dated 27.4.32 informing that prompt actn should be taken for recovering the remaining quantity of musk Products or its value from the Receiver Mr. Ramalingam. And that a Seperate Suit will be necessary for the Respse if Mr. Ramalingam is not agreable to settle the matter otherwise.

Sub A to await copy of ~~the order~~ from the PPr. Rep.

From,

The PPr. Mysore.

no. 825 dated 21.5.32 forwarding a copy of the order in Mis 101/31-32 in the Musk Product Case

78) Subs for perusal. Refs Pars 74-875 Spr

The order does not make any specific direction with respect to Govt's claim for Rs 3074 and as prayed for in para 5 of the application. Copy of the order may perhaps be sent to the Dir of I & C and a report called for re: the actn taken by him to recover the remaining quantity of musk Products.

ISD 26/5

79) Dft accordingly

MNL 26/5

80) Dft put up for appr

ISD 26/5

Issue

MNL 26/5

Issued no. P. 6069 dt 30.5.32

GENL. & REV. SECTT. 27 MAY 1932 TYPIST'S SECTION

Sub A.

ISD 26/5

NOTE—Contn. Sheet.

MNL 31/5

Sub A

ISD 20/6.

WD 70—GBPM—60,000—13-8-31.

Issue a/c ✓

MNL 15/6.

A diff. reminder is put up

Issue

MNL 16/6

Issued no. P. 7115 dt 17.6.32

38 Musk Products Case. 6156

File No. of 193 . | General and Revenue Secretariat

From

The Director of I & C

no. D2 - 1122/29-30 dated 27th June 1932 stating that 2 registered notices were issued to Mr Ramalingam calling upon him to render account for the balance of musk products and that since no reply has been received. Connected records have been forwarded to the Pr. Mysore for preparing a plaint and pointing out that he does not appear a satisfactory reply to the notice and a suit will probably have to be filed against him for recovery of the amou

Refce paras 74, 75 and 78 supra.

It is noted that the plaint will be Subd for approval as soon as it is received from the Pr. Mysore. The same may perhaps be awaited with further report

ISD 29/6

Refce: para 75 supra.

The Director reports that there has been till now no response from Mr Ramalingam to the notices sent calling upon him to account for the balance of the Musk Products of its value, Rs 3074-1-0, and that he has therefore asked the Pr Mysore to prepare a draft plaint for submission to Govt. Further action will be taken on receipt of the plaint.

Submitted for perusal.

First Member

MY 29/6

30/6/32

OFFICE OF THE FIRST MEMBER EXECUTIVE COUNCIL 29 JUNE 1932 No. 8595

Tel. Address :—"Sandal Bangalore"

GEN. & REV. SECRETARIAT
6741
7 FEB. 1930
DEVELOPMENT BRANCH

SANDALWOOD OIL FACTORY
SANKEY'S LODGE

No. 39 12/1

Bangalore, 6th February 1930.

FROM

THE DIRECTOR,

SANDALWOOD OIL FACTORIES IN MYSORE,

BANGALORE.

To

SOF. 83-29-1

The Secretary to the Government of

His Highness the Maharaja of Mysore,

Development Departments.

Sir,

I have the honour to enclose herewith a Letter of Authority furnished by Mr. K.B. Mavlankar addressed to the Liquidator of the Essenfleur Products, Ltd., requesting him to hand over the cases of Musk, Xylol and Musk Ambrette to your order and to state that this was wrongly sent to me by the Trade Commissioner for Mysore in London with his letter dated the 11th of January 1930 instead of to you for taking further necessary action.

This will if approved be passed on (duly endorsed) to the Director of Soap Factory for taking delivery

I have the honour to be,

S i r,

Your most obedient servant,

Director.

7 2 30

6721
1st Member

Yes. Dir to report what is exactly required & what measures to be taken for transport

8/2/30

10-2-30

Offg

Telegrams: " Ekdum" Yiewsley Telephone: Yiewsley 175

2

Codes
A.B.C. 5th & 6th Editions, Bentley's

K. B. M A V L A N K A R

ESSENTIAL OILS AND AROMATIC CHEMICALS.

JWB/TD. TROUT ROAD,
YIEWSLEY, MIDDLESEX

2nd January 1930.

The Liquidator,
Messrs. Essenflour Products Ltd.,
Mysore - (South India).

Dear Sir,

H.P.H. 2196/205 - 10 cases.
H.B.H. 7407/ 1 case.
per S/S "Schlekerk" - 8th August 1928.

With reference to the consignment of Musk Xylol and Musk Ambrette marked as above, now lying with you on my account, please hand this consignment over in good order and condition to the order of the Secretary to Government Development Department.

Yours Faithfully,

For K. B. Mavlankar,

Sd/- K. B. Mavlankar.

Please deliver the articles referred to above to the Director of Industries and Commerce in Mysore.

Sd/- N. Rama Rao,

Secretary to Government,
Development Departments.

B a n g a l o r e.
14th February 1930.

" C O P Y "

For Secretary to Government,
Development Departments.

ACH. 15/2.

Appendix F G—1

SUBJECT.....

.....

.....

Section S. D. 7.

File No. B3-7.7

Serial No. 2.

No. D 9261/Sec.

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To The Dis. of Dr

Date of issue 15/1/30

Signed by W N Mawbanks

Sir,

I am directed to forward herewith in original a letter dated 2nd January 1930 addressed by the late Mr K.B. Mendaukra the Liquidator of E.P. Ltd. Negros announcing to me the delivery of his Consignments of muscle Xylol and Musk — now Ambrette in the pos-

List of enclosures.....

Copied by.....

Examined by.....

over

4 Session opens Cr ~~Dis.~~

This letter has been endorsed in your favour. I am to request you to be so good as to arrange to take immediate possession of the articles, with the help of ~~the~~ referred to in ~~this~~ Mr Maclaurin (Managing Director) ~~letter after handing over to him this letter~~ can act on it.

~~This Co.~~ I am further to request and you to report the quantity of each article received by you and what measures you propose to take for its disposal. The favour of immediate action is requested

I have &c

D 9267-3 14/4/30 WR 13 2 30

Eng 13/4/30 Dover

Copy to Dover, S.O.T.C.

WR 13/4/30.

6741. S

TELEGRAPHIC ADDRESS:—"INDUSCOM."

In reply please refer to No. D2-1122/29-30

GOVERNMENT OF MYSORE.

DEPARTMENT OF INDUSTRIES AND COMMERCE.

7164 20 FEB. DEVELOPMENT BRANCH

OFFICE OF THE DIRECTOR,

Dated, Bangalore, 18th February 1930.

FROM

C. RANGANATHA RAO SAHIB, Esq., B.A., B.L.,
Director of Industries and Commerce in Mysore,
(Bangalore, India.)

To

N. Rama Rao, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Development Departments, Bangalore.

507 83-29-3

SIR,

With reference to your letter No. D. 9261 dated the 15th Febry 1930, I have the honor to state that I have addressed the Liquidator Essenflour Products Ltd., to forward the consignments of musk, xylol and musk ambrette held by him on account of the late Mr. K. B. Mavlankar to the Industrial Chemist, Government Soap Factory, Bangalore. I enclose copy of my letter addressed to the Liquidator to-day. I shall take necessary action in regard to the disposal of the consign-ments after I have obtained delivery of them.

I have the honor to be,
Sir,
Your most obedient servant,

Ranganatha Rao Sahib
Director. 18.2.30

CRS-USC)

Subject for perusal
18.22.2.30

m/r

28 2 30

GOVT. BRANCH SECRETARIAT BANGALORE

Copy of letter No. D2 1122/29-30 dated the 18th February 1930 from the Director of Industries and Commerce to the Liquidator, Essenflor Products Ltd., Bangalore.

***

I enclose copy of a letter addressed to you by the late Mr. K. B. Mavlankar, requesting you to hand over the consignment of Musk Xylol and Musk Ambrette lying with you on his account to the Secretary to Government, Development Departments. The Secretary has endorsed that these goods may kindly be delivered to me. The original letter is in my possession and will be forwarded to you when I go to Bangalore. In the meanwhile, May I request you to hand over these consignments to the Industrial Chemist of the Government Soap Factory, Bangalore?

***

" COPY "

usc

Director.

TELEGRAPHIC ADDRESS:—"INDUSCOM."

In reply please refer to
No. D2-1122/29-30

GOVERNMENT OF MYSORE.

DEPARTMENT OF INDUSTRIES AND COMMERCE.

OFFICE OF THE DIRECTOR,

Dated, Bangalore, 5th March *19* 30

FROM

C. RANGANATHA RAO SAHIB, Esq., B.A., B.L.,
Director of Industries and Commerce in Mysore,
(Bangalore, India.)

S305

7 MAR 1930
DEVELOPMENT BRANCH

To

N. Rama Rao, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Development Departments, Bangalore.

D.O.F. 83-29-4

SIR,

D7164

In continuation of my letter of the same No. dated the 19th Febry. 1930 in the matter of taking delivery of the consignment of Musk Xylol and Musk Ambrette in possession of Essenflour Products Ltd., from the Liquidator of the Company, I have the honor to enclose herein for the information of Government a copy of -- letter dated the 23rd Febry. 1930 from Mr. V. Ramalinga Mudaliar stating that he has not taken charge of the assets of the Company as its Liquidator for the reasons mentioned therein and that until the books and papers now in Court are handed over to him, he will not be in a position to do anything. In these circumstances, I request the further instructions of Government in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

C Ranganatha Rao Sahib

Director.

USC)

Submitted for info. I doubt who can "the files and books" can be returned till the proposed suit against E.P. has been disposed of. It means that the delivery of these articles is indefinitely postponed

I cannot understand why delivery of these articles should be postponed. The Liquidator would not be necessary for preserving these articles. If the Essenflour has any claim against these articles, it is a matter between the Liquidator

(1st Member)

6/3/30

Eng 6/29

Can not I think delay
entering on his charge.
If he goes on delaying we
shall have to appeal
to the Court for relief.

Yrs

6/5/30

Yrs sincerely
Dr Pc

11 3 30

Eve 12/13

Copy of letter dated the 23rd February 1930 from Mr. V. Ramalingam of the Standard Tile and Clay Works, Bangalore, to the Director of Industries and Commerce in Mysore, Bangalore.

***

With reference to your letter No. D2-1122/29-30 dated the 1st instant, I beg to state that I have not as yet taken charge of the Mysore Essenflour Products Ltd., as its liquidator as the Government have in their possession all the files and books -- pending the disposal of the criminal case against the previous Managing Director. Until the books and papers are handed over to me, I will not be in a position to do anything in the matter.

***

" COPY "

usc)

Director.

Appendix F G—1

SUBJECT.....

.....

.....

Section S. v 7.

File No. 83-29

Serial No. 5

No. D 1057

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

The Dir. Dep

Date of issue 25/3/30

Signed by H. S. V. [illegible]

Sir,

With reference to your letter No. D2-1122-29 dated 5th March 1930 in the matter of taking delivery of Manlankar's musk Xylol and musk Ambrette in the possession of E. P. Ltd, I am directed to state that Govt. do not understand why delivery of these articles is put off. The file and bottles opened to by the Co. would not be necessary

List of enclosures.....

Copied by.....

Examined by.....

over

11

for giving these articles. If the E.R. has any claim against the articles in question, it is a different matter. If the Company goes on delaying delivery of the articles in question, we shall have to apply to a Court for relief.

The position may be explained to the Co. & if necessary the case again requested to hand over the articles to you

I have &c

22 3 30

Enc 15/27

W.B. 13. 3. 30.

12

TELEGRAPHIC ADDRESS:—"INDUSCOM."

In reply please refer to
No. D2.1122/29-30

GOVERNMENT OF MYSORE.

DEPARTMENT OF INDUSTRIES AND COMMERCE.

Encl

OFFICE OF THE DIRECTOR,

Dated, Bangalore,.....12th July *19* 30.
15th

FROM

C. RANGANATHA RAO SAHIB, Esq., B.A., B.L., S.O-783-29-6
Director of Industries and Commerce in Mysore,
(Bangalore, India.)

To

N. RAMA RAO, ESQ., B.A., B.L.,
Secretary to the Government of Mysore,
Development Departments,
Bangalore.

DEV. DEPT. SECRETARIAT
486
16 JULY 1930
DEVELOPMENT BRANCH

SIR,

With reference to your letter No: D. 10577/ S.O.F. 83-29-5 dated the 26th March 1930 in the matter of taking delivery of Mr. Mavlankar's Musk Xylol and Musk Ambrette in the possession of the Essenflour Products, Ltd., I have the honour to enclose herein a copy of letter No: nil dated 11-4-1930 from Mr. V. Ramalingam to the effect that as he is appointed Receiver by the District Court, Mysore, he cannot act any longer as Managing Director, Essenflour Products and cannot handover the properties without the specific order of the Court. I beg to state that there is no alternative to an application to the District Court for relief.

I have the honour to be,

Sir,

Your most obedient servant,

C Ranganatha Rao Sahib

DIRECTOR.

BV.

Copy of letter No.Nil dated 11th April 1930, from Mr.V. Ramalingam, to the Director of Industries and Commerce in Mysore, Bangalore.

With reference to your letter dated 1st April 1930, I beg to state that as Receiver from the District Judge's Court,Mysore, I have taken charge of the properties of Mysore Essenflour Products, Ltd. As an Officer of the Court, I have no power to hand over any one without the permission of the District Court. I am advised that any one claiming any of the goods should prove their claim in the Court and if the Court Orders delivery to abide by its orders. Under the circumstances, I am sorry, I cannot act in any capacity as Managing Director of the Essenflour Products Limited. All the properties are vested with the Court and I am only an officer deputed to realise the value of the said properties.

"Copy"

for DIRECTOR.

BV.12.7.30.

Appendix F G—1

SUBJECT.....

.....

.....

Section S. v. 7.

File No. 83-29

Serial No. 71

No. D 1972

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

To

The Dri. Secretary

Date of issue 4/8/30

Sir.

Signed by Mr. P.S. Naicker for

With reference to your letter No. D2-1122-29 dated 15th July 1930 reporting that as Mr V. Ramalingam has been appointed as Receiver by this Hon. Judge Myore in respect of the properties of the Mysore Essenbloom Products Ltd he cannot act as the Managing Director of the Co. and that an application has to be made to the Court

List of enclosures.....

Copied by.....

Examined by.....

[over

WD 02559—GPB—25,000—25-6-30

75

to get possession of Manlankar's musk xylol and Musk Ambrette, I am directed to state that the point may be approached in the matter. The case may be entrusted to the Public Prosecutor, Mysore for further necessary action.

Subject to approval.

I have H.

29-7-30

for Secy.

1473

Copy to Public Prosecutor, Mysore for information and necessary action in consultation with the Dr. Dept

B.

29.7.30

for Secy.

18-29-7-30

TELEGRAPHIC ADDRESS:—"INDUSCOM."

D 6936 16

GOVERNMENT OF MYSORE.

DEPARTMENT OF INDUSTRIES AND COMMERCE.

GEN. & REV. SECRETARIAT
2 APR 1931
DEVELOPMENT BRANCH.

In reply please refer to
No. D2-1122/29-30
Encl, 2

OFFICE OF THE DIRECTOR,

Dated, Bangalore, 30th March, ... 1931.

1.4.

FROM

C. RANGANATHA RAO SAHIB, Esq., B.A., B.L.,
Director of Industries and Commerce in Mysore,
(Bangalore, India.)

SOF 83-29-8

To

N. Rama Rao, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Development Departments, Bangalore.

SIR,

Taking possession of the Musk Xylol and Musk Ambrette belonging to the late Mr. Mavlankar from the Official Liquidator of Essenfluer Products Co.

Adverting to correspondence ending with your letter No.D.1472/SOF.83-29-7 dated 4-8-30 on the above subject, I have the honor to state that the whole file of papers on the above subject was forwarded to the Public Prosecutor, Mysore Division, with instructions to file an application in the Court of the District Judge, Mysore. Accordingly the Public Prosecutor filed the application on 15-10-30 and the case was adjourned from time to time once to 10-3-31 and the second time to 23-3-31 as the notices sent to the Official Liquidator through Court were returned unserved twice. In the meanwhile as the commodity is subject to deterioration by lapse of time, the Public Prosecutor has in consultation with me filed an interlocutory application in court for the sale of the products and the deposit of the proceeds in court. I enclose herein for the information of Government a copy of letter No.490 dated 16-3-31 as also a copy of the interlocutory application received from the Public Prosecutor. I shall keep Government informed of the further proceedings of the case from time to time.

I have the honour to be,
Sir,
Your most obedient servant,

C Ranganatha Rao Sahib

DIRECTOR.

KS)

NS

Letter No.490/Enc.One dated 16th March 31 from the Public Prosecutor, Mysore Division, Mysore, to the Director of Industries & Commerce in Mysore, Bangalore.

With reference to correspondence ending with your memo No.D.2-1122-29/30 dated 11-2-30 enquiring the stage of pendency of the application to the District Judge's Court, Mysore, for taking possession of Mavlankar's Musk Products, I have the honour to state that notices sent to Mr. V. Ramalinga Mudaliar through Court are returned unserved twice. Notice sent by registered post also through Court is not yet acknowledged. The case stands adjourned to the 23rd instant.

It is five months since the application was filed. If Mr. Ramalinga Mudaliar be not served before the 23rd instant the case will have to be adjourned to the latter part of May next. It is therefore considered necessary to file the enclosed interlocutory application at once for getting the Musk Products sold immediately. The sale proceeds will be deposited in Court and the claim may thereafter continue for the value of the goods.

The Bank of Mysore appear to have obtained a mortgage decree against the Machinery and Stock-in-trade of the Essenfleur Products Ltd. It is likely that both the Receiver and the Bank may claim the ownership of Mavlankar's goods and contest the claim of the Government. The Industrial Chemist opines that the goods are likely to deteriorate by lapse of time.

It is requested that the enclosed application may be duly signed and returned to this office before the 23rd instant.

"C O P Y"

MS

In the Court of the District Judge,
Mysore.

O.S. No.25 of 28-29.

Plaintiff: The Bank of Mysore Ltd.

Vs

Defendants: The Essenfleur Products Ltd.

Petitioner: The Director of Industries and Commerce in Mysore, Bangalore.

Vs

Opponent: Mr. V. Ramalinga Mudaliar, Receiver in the abovenoted suit.

Application under O.39, R.6, C. P. C.

The Petitioner abovenamed begs to state as follows:-

1. That on 15-10-30 the Petitioner filed an application under Section 151, O.40, R.1, C. P. C. for obtaining possession of the goods described below belonging to the Government of Mysore and kept in the custody of the Opponent.

2. That although five months have elapsed and notices taken twice to the Opponent the latter has not been served and the case stands adjourned to the 23rd instant to await the receipt of acknowledgment of the notice sent by registered post.

3. That the goods sought to be recovered from the possession of the Opponent comprise a quantity of synthetic products known as Musk Xylol and Musk Ambrette. They were received in India from Europe 2½ years ago. It is feared that the goods may deteriorate by lapse of time and lose their Value and efficacy by being kept for a long time in the tropical climate of Mysore.

4. That the Petitioner is not aware of the claim, if any,

if any, of the Essenfleur Products Ltd., to detain the goods as against to the claim of the Government. In case the claim be contested the proceedings would occupy some months to terminate. In view of the peculiar nature of the subject-matter of the claim it is desirable to have the goods sold at once and the proceeds of the sale deposited in the Court for payment to the successful party in the proceedings.

5. The Petitioner therefore prays that this Hon'ble Court may be pleased to order that the goods specified in the schedule below and in the custody of the Receiver be ordered to be sold at once by a competent officer of the Court.

(Sd) C. Ranganatha Rao Sahib,
(18-3-31)
Director of Industries and
Commerce in Mysore.

Bangalore.

I, Mr. C. Ranganatha Rao Sahib, the Director of Industries and Commerce in Mysore, the Petitioner above-named so solemnly affirm that the facts stated above are all true to the best of my knowledge and belief.

(Sd) C. Ranganatha Rao Sahib,
(18-3-31)
Director of Industries and
Commerce in Mysore.

S C E D U L E.

1. H.P.H.2196-205 - 10 cases.

2. H.B.H.7407 - 1 case consigned per S.S. "SCHIEKERK" on 8-8-1928 containing a stock of Musk Xylol and Musk Ambrette.

(Sd) C. Ranganatha Rao Sahib,
(18-3-31)
Director of Industries and
Commerce in Mysore.

"COPY"

DIRECTOR.

MS

Appendix F G—1

SUBJECT.....

.....

.....

Section Law

File No. 130-30

Serial No. 1

No. 5423

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

To

The PRn Mysore

Date of issue 2/3/31

Signed by

Sir

I am directed to request you to forward immediately for information of Govt a report as to the progress made so far in O.S. 25 of 1928 on the file of the Dist. Judge Mysore (Bank of Mysore ~~Director of Industries & Commerce~~

List of enclosures.....

Copied by

Examined by.....

vs

Mr. Ramalingam of Ensenglass in which an application under sec 151 r/w order 40 Rule C.P.C. for delivery of the Commission of Mr. Kylol was presented by him on behalf of the Dirs of Govt. have etc

ISD 7/3

for L.R.

WD 02559—GPB—25,000—25-6-30

7th March 1931.

The Public Prosecutor,
M y s o r e.

I am directed to request you to forward immediately for information of Government a report as to the progress made so far in O.S. 25 of 28-29 on the file of the District Judge , - Mysore (Bank of Mysore Vs Mr.Ramalingam of Essenflour) in -- which an application under section 151 Order 40 Rule 1 C.P.C. for delivery of the consignment of Musk Xylol was presented by you on behalf of the Director of Industries and Commerce.

I have the honor to be,

Sir,

Your most obedient servant,

For Secretary to Government
Law Department.

cn.

No.464. Mysore, dated 8th March 1931.

From

The Public Prosecutor,
Mysore Division,
Mysore.

To

The Secretary to the Government
of His Highness the Maharaja of Mysore,
Law Department, Bangalore.

Sir,

With reference to your letter No.5423 Law dated 7-3-31 calling for information regarding the progress made in the application filed before the District Judge, Mysore for delivery of th e consignment of Musk Xylol etc., I have the honour to report that the said application was filed on 15-10-30. Notice sent to Mr. V. Ramalinga Mudaliar, Receiver of the Essenfleur Products Ltd., was returned unserved. Fresh notices were ordered by registered post as also through Court returnable by 10-3-31 on which date the case is posted for hearing.

The result of the hearing will be duly reported.

I have the honour to be,
S i r,
Your most obedient servant.

Public Prosecutor,
Mysore Division.

Appendix F G—1

SUBJECT.....

.....

.....

Section

File No.

Serial No.

No. 1005-G

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

To

The P.R. Mysore

Date of issue 25/3/31

Signed by Jr. Maj.

Sir,

Adverting to your letter no 464 dated 8th March 1931 re: OS 25/28-29 on the file of the Dist. Judge Mysore (Bank of Mysore vs Mr. Ramalingam of Ersenkere) I am directed to enquire as to what happened to the Case on 10.3.31 to which the Case was said to have been posted for hearing

I have etc

JSD 19/3. ML for Lower — DR

List of enclosures.....

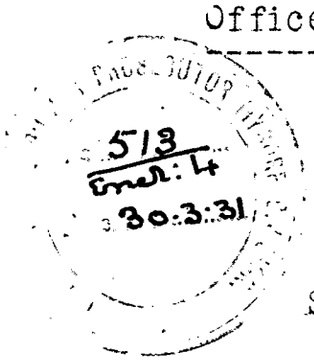
Copied by.....

Examined by.....

WD 02559—GPB—25,000—25-6-30

24687/1930

Office of the Public Prosecutor, Mysore Division,
Mysore.



Progress Report for 30-3-31.

Submitted to the Legal Remembrancer.

I. District Judge's Court, Mysore.

O. S. 25 of 28-29.

(Bank of Mysore Vs Essenfleur Products Ltd.)

Adjourned to 4-4-31.

Vide copy of order and copy of objection statement enclosed.

II. Subordinate Judge's Court, Mysore.

O. S. 47 of 25-26.

(Siddaramanna Vs Agent, Mysore Railways)

Arguments heard.

For orders. 4-4-31.

Copy of Reply and Or issues framed in O. S. 2 of 30-31 (S.Narasinga Rao Vs: Amildar, Yedatore etc) is submitted for information. The suit is posted for evidence on 19-5-31. Amildar, Yedatore is requested to send witness list.

K Ramachandra Rao

Public Prosecutor,
Mysore Division.

The Public Prosecutor,

Mysore Division.

I am to request you to forward at once a copy of the application filed by you in O.S. 25 of 28-29 on the file of the District Judge. Mysore (Bank of Mysore Vs. Essen flour Products Ltd.,) on behalf of the Director of Industries and Commerce, -- praying for delivery of Movlankars musk Products to Government.

I have the honour to be,

Sir,

Your most obedient servant,

For Legal Remembrancer &
Secretary to Governmen
Law Department.

ISD

Appendix F G—1

SUBJECT.....

.....

.....

Section

File No.

Serial No.

No. P 6572

Diary No. of letter replied to.....

General and Revenue Secretariat

(

the *193* .

To

The PR Mysore

Date of issue 9/4/31

Signed by M. Raj

Sir — I am to request you to forward clear a copy of the application filed by you ~~and objection statement~~ in O.S. 25 of 28-29 on the file of the Dist. Judge Mysore (Bank of Mysore vs Enen Flour Products Ltd) on behalf of the Director of I & C, praying for delivery of the Havlawan Flesh Products to ~~the~~ Govt. immediately. ~~a Copy of the application~~

List of enclosures.....

Copied by.....

Examined by.....

9/4

Please see overleaf

MR

WD 02559—GPB—25,000—25-6-30

2)

filed on behalf of the

Director of Industries & Comm.ce

in this Case.

I have etc

ISD
9/4

for L. R.M.

4837/30
P

No.550/1 Mysore, dated 10th April 1931. 28

From

The Public Prosecutor,

Mysore Division,

Mysore.

To

The Secretary to the Government

of His Highness the Maharaja of Mysore,

Law Department, Bangalore.

Sir,

As directed in your letter No. P.6572/Law dated 9-4-31, I have the honour to submit copy of the application filed by me in O. S. 25 of 28-29 (Bank of Mysore Vs Essenfleur Products, Ltd.,) on behalf of the Director of Industries and Commerce in Mysore for recovering possession of the Musk Products made over to Government by the late Mr. Mavlankar.

The deeds of mortgage executed by the Directors to the Bank of Mysore cannot be construed to include the goods in question. Musk Products were not the stock-in-trade of the Essenfleur Products, Ltd., The products were simply left in the custody of the Directors who were asked by the late Mr. Mavlankar to hand them over to the Development Secretary. When the latter applied to Mr. V. Ramalingam, he replied that the permission of the Court was necessary. The application was therefore made to Court on the instructions of the Director of Industries and Commerce.

The application is made on the following authority:-

Law of Receivers by Somanath Sastry and Ramanatha Iyer.

A Receiver appointed by Court cannot be made a party to any suit or proceedings without the leave of the Court appointing him.

The Court may either grant leave to sue or grant the relief in the suit itself.

It rests in the discretion of the Court to allow a party claiming rights against its Receiver to bring an independent action against him, or to compel such party to proceed against him by

29

by petition in the action in which he is the Receiver. With such exercise of discretion the appellate court cannot interfere, unless there has been a manifest abuse of it.

It is therefore hoped that the procedure adopted will meet with your approval.

I have the honour to be,

S i r,

Your most obedient servant.

Public Prosecutor,

Mysore Division.

Appendix F G—1

SUBJECT.....

.....

.....

Section Law

File No. 130-30-3

Serial No. 6676 4 Enclosures

No. Contd Sent on 27/4/31 TSD MLM

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

To

A. R. Nageswara Rao Esq BA BL

Advocate.

Date of issue 17-4-31.

Signed by Mr. P. 14 ~~Mr. Nageswara Rao~~.

Sir,

Mr Late Mr K. B. Mavlankar who had a Consignment of musk, Xylol, and Musk Ambrette lying on his account with the Essenflewr Products Ltd, transfered it to Government in part Satisfaction of the heavy amounts due by him on account of the Sandal oil business and wrote a letter (Copy of which is herewith enclosed) to the

List of enclosures.....

Copied by.....

Examined by.....

[over

"Liquidator, Essenflevr Products Ltd"
to deliver the goods to the Dev:
Secy or order. This letter which
was sent to the Dev. Secy was
endorsed over by him in favour
of the Dir of I & C, who has made
an application under Sec 151 C.P. Code
to the District Court, Mysore in
O.S. 25 of 28-29 (Bank of Mysore vs
Essenflevr Products Ltd.), for delivery
of the articles. Mr. Ramalingam,
who is appointed as Receiver in
the above case, in spite of several notices
did not appear to contest the
appln, but the Bank of Mysore
has objected to the delivery of
the articles to the Director of I & C
~~on the ground that~~ without
the title of our manufacturer
to the property being established.
Since the goods were liable to deterioration,
the Court on appln by the Director has
ordered them to be sold by auction & the

G. R. S. App F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

Sale proceeds deposited in Court pending investigation into the claim of Government Copies of the application, objection statement and the order of the Court are herewith sent for perusal and return.

Even if it be held that the property does not belong to Mr. Mavlankar, but ~~the same belongs~~ to the Sunflower Products it is liable to meet the claim of Govt ~~in respect to~~ ~~all other~~ in the Sandal oil Civil Case now filed. I am to enquire whether ~~you~~ pending the ~~investigation~~ decision in the Dist Ct Mysore, it is not advisable to have the property or the Sale proceeds attached before payment by means

WD 0327—G PB—10,000— 18-5-27

of an order dtd 11/4 in the Bangalore District Court

The matter may kindly be treated as immediate and an early reply sent for further action being taken in the matter.

I have etc

D.O.P Legal R

11/4

CONFIDENTIAL.

16th April 1931.

Law 130-30-3

A.R.Nageswara Iyer, Esq., B.A., B.L.,
Advocate, Bangalore.

The late Mr. K.B.Mavlankar who had a consignment of Musk, Xylol, and Musk Ambrette lying on his account with the Essenflour Products Ltd, transfered it to Government in part satisfaction of the heavy amounts due by him on account of the Sandal Oil business and wrote a letter (copy of which is herewith enclosed) to the "Liquidator, Essenfleur Products Ltd" to deliver the goods to the Development Secretary or order. This letter which was sent to the Development Secretary was endorsed over by him in favour o the Director of Industries and Commerce, who has made an application under section 151 Civil Procedure Code to the District Court Mysore in O.S. 25 of 28-29 (Bank of Mysore Vs.Essenflour Products Ltd), for delivery of the articles. Mr. Ramalingam, who is appointed as Receiver in the above case, in spite of several notice did not appear to contest the application, but the Bank of Mysore has objected to the delivery of the articles to the Director of Industries and Commerce without the title of Mr. Mavlankar to the property being established. Since the goods were liable to deterioration, the court on application by the Director has ordered them to be sold by auction and the sale proceeds deposited in -- Court pending investigation into the claim of Government. Copies of the applications, objection statement and the order of the -- Court are herewith sent for perusal and return.

Even if it be held that the property does not belong to Mr. Mavlankar but to the Essenfleur Production it is liable to

35

to meet the claim of Government in the Sandal Oil Civil Case now filed. I am to enquire whether pending the decision in the District Court Mysore, it is not advisable to have the property or the sale proceeds attached before judgment by means of an order obtained in the Bangalore District Court.

The matter may kindly be treated as immediate and an early reply sent for further action being taken in the matter.

I have the honor to be,

Sir,

Your most obedient servant,

For Legal Remembrancer and
Secretary to Govt. Law Deptt.

ISD

c.n.

Law 130-31-4 :36

Extract of three paras of ~~letter~~ Mr Nagesvara Iyer's letter dated 16th May 1931.

With reference to your letter of 16.4.1931 regarding the consignment of Musks etc.,if it belonged to Mr. Moulamkar the E.F. Company would have no right to the same. The Bank of Mysore would not therefore be competent to object to the de. livery of the consignment to Government who have been autho. rised by Mr. Moulankar to take possession of the same and credit the realisations towards what was due by him. Now that the articles have been ordered to be sold, the Government is entitled to the proceeds realised by the said sale if it ~~is~~ is proved before court that the articles belonged to mr. Moulankar. I suppose therefore that that fact must be made out in the District Judge's court, Mysore.

2. If, on the other hand, the articles belonged to the E.F. Company.,Ltd, we can no doubt have it attached as the property belonged to the E.F.Co.,but the difficulty would be that as the Bank of Mysore has already obtained a decree, they would be entitled to proceed against these articles, particularly as the suit by Govt.against the Co.,is not pending, and no decree has been obtained.

3. As the money with the Dist. Judge will not be paid over to the Bank of Mysore, pending disposal of ~~Govt.~~of the claim of Govt., there is no need for hurry on the matter at this stage, We might await the decision of the Dist. Judge of Mysore with respect to this claim, and then attach the property if the court holds that the articles in ~~possession~~ question belonged to the company. I would request you to consider this matter and give your opinion early.

Extract of first para of letter No. 579/P dated 18th May 1931.addressed to Mr. Nagesvara Iyer, Advocate.

I write to acknowledge the receipt of your letter of even date. I agree that no immediate action is necessary to be taken in the Civil Suit regarding the Musk Products ordered to be sold by the District Court, Mysore.

GENERAL SECRETARIAT
14 AUG. 1931
No. 12 GTB

804 P.S. 1931 138

192

From

The Public Prosecutor,

Mysore Division,

To Mysore.

The Chief Secretary
to the Government
of H.H.the Maharaja
of Mysore, Law Sec
Bangalore.

BRIEF SECTION
14 AUG. 1931

Dated 13-8-31.

Despatched 13-8-31.

Received

General No.

No. 138.

Enclosure No. 1.

Reply early

Sir,

With reference to your letter No.P.939/Law dated 11-8-31 regarding the sale of Mr. Mavlankar's Musk Products in O. S. 25 of 28-29 on the file of the District Judge, I have the honour to enclose herein copy of letter No.D2. 1122/2930 dated 6-7-31 addressed by the Director of Industries and Commerce in Mysore to the District Judge, Mysore.

As per request made by the Director of Industries and Commerce the Court was pleased to adjourn the case

case to 17-8-1931 to await return of the Commissioner's report.

I have the honour to be,

S i r,

Your most obedient servant.

K Ramachandra

Public Prosecutor,

Mysore Division.

Copy of letter No.D2-1122/29-30 dated 6-7-31 from the Director of Industries and Commerce in Mysore, Bangalore, to the District Judge, Mysore.

Subject: O. S. No. 25 of 28-29 - Auction Sale of Mavlankar's Must Products.

With reference to your warrant No.2104 dated 2-6-31 appointing me Receiver in the above case and calling for my report of action taken before 17-7-31, I have the honour to state that I have on 29-6-1931 addressed Mr. V. Ramalinga Mudaliar, the Receiver, who has custody of the above products, to hand over the articles to me. The articles have not been received till now. After the receipt of these articles, they have to be widely advertised for sale as desired by the Court by fixing a suitable date for auction. I do not expect that the work connected with the above can be completed and a report submitted to court within the time granted now. I therefore request that the time for the submission of my report may be extended by another month from 17-7-1931.

Sd. C. Ranganatha Rao Sahib.
DIRECTOR.

PSN).

Copy of the above is forwarded with compliments to the Public Prosecutor, Mysore Division, Mysore, for information.

Sd. C. Ranganatha Rao Sahib
DIRECTOR.

" True Copy "

Public Prosecutor,
Mysore Division.

Copy of letter No.JS-1122/29-30 dated 6-7-31
from the Director of Industries and Commerce in Mysore,
Bangalore, to the District Judge, Mysore.

Subject: C. S. No. 25 of 29-29 - Auction Sale
of Varadaraja Mudaliar's Assets & Tenants.

With reference to your warrant No.2104 dated
2-6-31 appointing me Receiver in the above case and
calling for my report of action taken before 17-7-31,
I have the honour to state that I have on 29-6-1931
addressed Mr. V. Ramalinga Mudaliar, the Receiver,
who has custody of the above properties, to hand over
the articles to me. The articles have not been
received till now. After the receipt of these
articles, they have to be widely advertised for sale
as desired by the Court by fixing a suitable date for
auction. We not expect that the work connected with
the above can be completed and a report submitted to
Court within the time granted now. I therefore
request that the time for the submission of my report
may be extended by another month from 17-7-1931.

Sd. C. Ramgunatha Rao Sahib.

DIRECTOR.

Copy of the above is forwarded with compliments
to the Public Prosecutor, Mysore Division, Mysore, for
information.

Sd. C. Ramgunatha Rao Sahib

DIRECTOR.

" True Copy "

Public Prosecutor,
Mysore Division.

The

The Director of Industries and Commerce in Mysore,

Bangalore.

I am directed to invite reference to your letter No.D2-1122/29-30 dated 6th July 1931 addressed to the District Judge, Mysore re. auction sale of Mavlankar's Musk Products in O.S.25/28-29 on the file of the District Judge, Mysore and to enquire whether Mr.Kamalingam has handed over the articles to you and when you propose to sell them as per orders of the Court.

I have the honour to be,

Sir,

Your most obedient servant,

for General Secretary to Government.

TD

TD

Appendix F G—1

SUBJECT.....

.....

.....

Section Law

File No. 130-30

Serial No. 5

No. P 1125

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

To

The Diwan of Mc

Date of issue 21-8-31

Signed by M'Roy

Sir,

I am directed to invite reference to your letter no. D2-1122/1930 dated 6.7.31 addressed to the Dist. Judge Mysore auction sale of Mavalankar's Musk Products in re: O.S. 25/1929, on the file of the Dist. Judge, Mysore, (~~Bank of Mysore vs Mr. Ramalingam of Emerglow Products Ltd~~) ~~and to~~ and to enquire whether Mr. Ramalingam has handed over the articles ~~have been received from Mr. Ramalingam, and~~ to you and when you propose to sell them ~~when they are proposed to be sold~~ as per orders of the Court (over)

List of enclosures.....

Copied by.....

Examined by.....

I have etc

17.8 for Secretary

WD 02559—GPB—25,000—25-6-30

1184/31
P43

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION.

PROGRESS REPORT FOR 31st Aug.1931.

Submitted to the Chief Secretary to Government of His Highness the Maharaja of Mysore, Law Section, Bangalore.

District Judge's Court, Mysore.

1931

1. O. S. 25 of 1928-1929.

Bank of Mysore Vs Essenfleur Products Ltd.,

(Director of Industries Vs Mr. V. Ramalingam

Posted for evidence on 6-10-1931 re: the ownership of Mavlankar's Musk Products.

2. O. S. 18 of 1928-29.

(Nagarajayya & others Vs Chief Secretary & others)

Adjourned at the request of parties to 1-9-1931.

K Ramachandra Rao

Public Prosecutor,

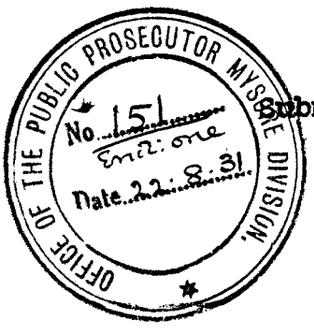
Mysore Division.

Sub? for perusal

3554/31
P64

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION, MYSORE.

Progress Report for 17-8-1931.



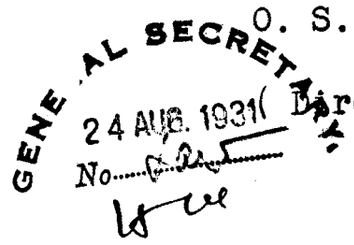
Submitted to the Chief Secretary to the Government of

H. H. the Maharaja of Mysore.

(Law Section).

District Judge's Court, Mysore.

O. S. 25 of 28-29.



(Director of Industries Vs Mr. V. Ramalingam.)

Judge at Hassan.

Hence adjourned to 31-8-1931.

N. B:- Copy of letter received from the Director of Industries and Commerce is herewith ubmitted for information.

A Ramaswamy

Public Prosecutor,
Mysore Division.

Copy of letter No.D.2-1122/29-30 dated 16-8-31 from the Director of Industries and Commerce in Mysore, Bangalore, to the District Judge, Mysore.

Auction sale of Mavlankar's Muck Products.

With reference to your letter No.255/50 dated the 17th July 1931 on the above subject, I have the honour to state that four cases containing Musk Xylol and Musk Ambrette were taken delivery of from Mr. V.Ramalingam. The cases were unpacked and the contents weighed. The Musk Xylol weighed 282¼ lbs nett and the Musk Ambrette 99 lbs net. Mr. Ramalingam has reported that he has sold some quantitiy and sent some more quantity of these products to Bombay. He had promised to render accounts for the quantity sold by him while he handed over charge to me of the four cases referred to by him. His report has not yet been received by me.

The auction sale of the articles taken delivery of by me was fixed in the Government Soap Factory premises at 4 p.m. on Wednesday the 12th instant. The sale was notified in one issue each of the " Hindu", Madras and " The Times of India " Bombay, and also as a recurring advertisement in the space reserved for Government advertisements in the two local issues (1) The Daily Post and (2) The Bangalore Mail. The advertisement was also got published in the Mysore Gazette dated 5-8-31.

There was no other bidder present on the day of auction that the Government Soap Factory, represented by Mr. S. G. Sastry, The Soap Facotry's bid for these products was Rs.1/- per lb for Musk Xylol and Rs.1-8-0 for Musk Ambrette. The articles were knocked down to Government Soap Facotry as under

Copy of letter No.D.S-1122/29-30 dated 18-8-31
from the Director of Industries and Commerce in Mysore
Bangalore, to the District Judge, Mysore

Auction sale of Mayilankar's Musk products

With reference to your letter No.2955/30 dated the
17th July 1931 on the above subject, I have the honour
to state that four cases containing Musk Xylol and Musk
Ambrette were taken delivery of from Mr V.Ramalingam.
The cases were unpacked and the contents weighed. The
Musk Xylol weighed 2824 lbs nett and the Musk Ambrette
99 lbs net. Mr. Ramalingam has reported that he has sold
some quantity and sent some more quantity of these
products to Bombay He had promised to render accounts
for the quantity sold by him while he handed over charge
to me of the four cases referred to by him His report
has not yet been received by me.

The auction sale of the articles taken delivery of
by me was fixed in the Government Soap Factory premises
at 4 p.m. on Wednesday the 12th instant. The sale was
notified in one issue each of the " Hindu", Mysore and
"The Times of India " Bombay, and also as a recurring
advertisement in the space reserved for Government
advertisements in the two local issues (1) The Daily
Post and (2) The Bangalore Mail. The advertisement was
also got published in the Mysore Gazette dated 5-8-31

There was no other bidder present on the day & of
auction that the Government Soap Factory, represented
by Mr. G. Sastry, The Soap Factory's bid for these
products was Rs.1/- per lb for Musk Xylol and Rs.1-8-0
for Musk Ambrette. The articles were knocked down to
Government Soap Factory as under

46

Musk Xylol 282 lbs @ Re.1/- per lb	Rs.282- 4-0
Musk Ambrette 99 lbs @ Re.1-8-0	148- 8-0
	Rs. 430-12-0

The Soap Factory has been directed to remit this amount to this office and the same will be remitted to Court by R. T. R. shortly.

I shall forward a bill for advertisement charges incurred as soon as the Bills are received in this office for recouping the amount.

Sd. N. Rama Rao.
Directory.

USC)4.D.-1122/29-30.

Copy forwarded with compliments to the Public Prosecutor, Mysore, for information of the above is

Sd. N. Rama Rao.
Director.

No.

" True Copy "

Public Prosecutor.
Mysore Division.

Musk Xylol 2824 lbs @ Rs.1/- per lb Rs.2812- 4-0

Musk Ambrette 99 lbs @ Rs.1-8-0 148- 8-0

Rs. 4230-12-0

The Soap Factory has been directed to remit this amount to this office and the same will be remitted to Court by M. T. R. shortly.

I shall forward a bill for advertisement charges incurred as soon as the bills are received in this office for recouping the amount.

Yd N. Rama Rao

Director.

USC\4.05-1122\29-30

Copy forwarded with compliments to the Public Prosecutor, Mysore, for information.

Sd: N. Rama Rao.

Director.

True Copy

No

Public Prosecutor

Mysore Division.

47

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

Section

File No.

Serial No.

No. G 1469

To A. R. Nageswara Iyer Bar. BA.,
Govt. Advocate

General and Revenue Secretariat

( )

the *193*

Date of issue 7.9.31

Signed by M. Ry

Sir,

I am directed to invite reference to the office letter no. G. 6676 dated 17-4-31 re the application for delivery of Mr Neelakanta Nayak property in O.S. 25/28-29 on the file of the Dist. Judge, Mysore (Bacon of Mysore vs Sreenivasa Products Ltd vs V. Ramalingam) and to request that the application Objection Statement and the order of the Court enclosed herein may kindly be returned for reference.

I have etc

List of enclosures .....

Copied by Y. 10.5.9

Examined by 18D 5/9 MR 5/9 for Govt Secy

The General

A.R.Nageswara Iyer, Esq.,B.A.B.L.,

Government Advocate, Bangalore.

I am directed to invite reference to this office letter No.P.6676 dated 17th April 1931 re. the application for delivery of Mr.Movlankar's Musk Products in O.S. 25/28-29 on the file of the District Judge, Mysore (Bank of Mysore Vs. Essenfleur Products Ltd) and to request that the application, objection statement and the order of the Court, enclosed therein may kindly be -- returned for reference.

I have the honour to be,

Sir,

Your most obedient servant,

for General Secretary to Govt.,

TSD

1170 — 31. P 49

TELEGRAPHIC ADDRESS:—"INDUSCOM."

GOVERNMENT OF MYSORE.

DEPARTMENT OF INDUSTRIES AND COMMERCE.

In reply please refer to
No. D2-1122/29-30.
Encl.

OFFICE OF THE DIRECTOR,

Dated, Bangalore, August 29th, 1931

Lew 130-30-6

FROM N. Rama Rao, Esq., B.A., B.L.,
~~GEERANGANATHA RAO SAHIB, Esq., B.A., B.L.~~
Director of Industries and Commerce in Mysore,
(Bangalore, India.)

To

H. V. Ramaswamy, Esq., M.A., B.L.,
Secretary to Government of Mysore,
General Department, Bangalore.

GENERAL SECRETARY. 4 SEP. 1931 No. Pro

SIR,

Auction sale of Mavlankar's Musk Products.

With reference to your letter No.P.1125 dated 21st August 1931 on the above subject, I have the honour to submit herewith for the information of Government a copy of my letter of even No. dated 16th August 1931 to the District Judge Mysore forwarding in the matter a detailed report containing all the information called for in your letter.

I have the honor to be,
Sir,
Your most obedient servant,

N. Rama Rao

DIRECTOR.

mss)

GOVERNMENT OF MYSORE.

DEPARTMENT OF INDUSTRIES AND COMMERCE.

Kindly please refer to
No. .....
Encl.

OFFICE OF THE DIRECTOR,

Dated, Bangalore, ... 1932

From

Sri. Rama Rao, Dep. B. A.

Director of Industries and Commerce in Mysore,
(Bangalore, India.)

To

The Secretary to Government of Mysore,
General Department, Bangalore.

GENERAL SECRETARIAT
4 SEP 1931
No.
Sec.

Insurance Policy of Weavers
Trade Premises

With reference to your letter No. J.185 dated 31st August last on the above subject, I have the honour to sub-

mit herewith a draft of proposed Notification in connection with the Insurance of Weavers' Trade Premises against fire risks.

I have the honour to be
Sir,
Your most obedient Servant

DIRECTOR.

misc)

Letter No. D2-1122/29-30 dated the 16th August 1931 from the Director of Industries and Commerce Bangalore to the District Judge -Mysore.

*****

RE. AUCTION SALE OF MAVLANKER'S MUSK PRODUCTS.

With reference to your letter No. 255/50 dated the 15th July 1931 on the above subject, I have the honour to state that four cases containing Musk Xylol and Musk Ambrette were taken delivery of from Mr. V. Ramalingam. The cases were unpacked and the contents weighed. The Musk Xylol wighed 282¼ lbs nett and the Musk Ambrette 99 lbs nett. Mr. Ramalingam has reported that he has sold some quantity of the four cases referred to by him. His report has not yet been received by me.

and sent some more quantity of these products to Bombay. He had promised to rendered accounts for the quantity

The auction sale of the articles taken delivery of by me was fixed in the Government Soap Factory premises at 4 P.M. on Wednesday the 12th instant. The Sale was notified in one issue each of the "Hindu" Madras and "The Times of India", Bombay, and also as a recurring advertisement in the spaces reserved for Government advertisements in the two local papers 1) The Daily Post and 2) The Bangalore Mail. The advertisement was also got published in the Mysore Gazette dated the 6th August 1931.

There was no other bidder present on the day of auction than the Government Soap Factory represented by Mr. S. G. Sastry. The Soap Factory's bid for these products was Rs. 1/- per lb for Musk Xylol and Rs.1/8 for Musk Ambrette. The articles were knocked down to Government Soap Factory as under:-

Musk Xylol 282¼lbs at Rs. 1/-	282-4-0-
Musk Ambrette 99 lbs at Rs.1/8.	148-8-0-
Rs.	430-12-0-

The Soap Factory has been directed to remit this amount to this office and the same will be remitted to Court by R.T.R. shortly.

I shall forward a bill for advertisement charges incurred as soon as the Bills are received in this office for recouping the amount.

"COPY"

Director.

Appendix F G—1]

SUBJECT .....

.....

.....

Section Land
File No. 130-30
Serial No. 7

Diary No. of letter replied to .....

No. P 1693

To

The Director of Industries
Bangalore

General and Revenue Secretariat

( )

the *193* .

Sir,

Date of issue 18/9/31

Signed by Asst. V R Jagannathan

Adverting to your letter No. D2-1122/29-30 dated 29th August 1931 enclosing a copy of the letter No. D2-1122/29-30 dated 16th Aug 1931 addressed to the Dist. Judge Mysore in the matter of Auction Sale of Manlankar Musk Products in O.S. 25/28-29 on the file of the Dist. Ct Mysore (Bank of Mysore vs Enterprise Products Ltd) I am directed to state that the Case is reported to have been posted to 6.10.31 for evidence re: the ownership of the Musk Produce

List of enclosures .....

Copied by .....

Examined by .....

and to request that ~~necessary~~ Proper
steps ~~in time~~ in time may kindly be
taken in Consultation with the
Pbr. Mysore to adduce the necessary
evidence ~~in Court for the purpose~~ before the Court on the date of hearing

~~Action taken in the matter~~
~~may also be intimated in due course~~

I have etc

180
7/9 BDP 7.9 for Genl Secy

Copy to the Pbr. Mysore
for information & report in due course
as to the action taken in the matter.
BDP
7.9.31

17th September 1931

No. P 1693/Law 18

Thexxxx

General Department.

The Director of Industries and Commerce
in Mysore, Bangalore.

Adverting to your letter I.D.$_2$-1122/29-30 dated 29th August 1931 enclosing a copy of the letter No.D$_2$-1122/29-30 dated 16th August 1930 addressed to the District Judge Mysore in the matter of Auction Sale of Havlankers Musk Products in O.S. 25/29-30 on the file of the District Court Mysore (Bank of Mysore Vs. Manufacturing Products Ltd), I am directed to state that the case is reported to have been posted to 6th October 1931 for evidence regarding the ownership of the Musk Products and to request that proper steps may kindly be taken in time in consultation with the Public Prosecutor Mysore to adduce the necessary evidence before the ~~Government~~ Court on the date of hearing.

I have the honor to be,

Sir,

Your most obedient servant,

Sd/- H.V.Ramaswami.
for Secretary to Government
General Department.

c.n.

Memo No. P 1694

Copy of the above is forwarded to the Public Prosecutor Mysore for information and report in due course as to the action taken in the matter.

By Order,

For Secretary to Government
General Department.

1488 A 31
D 54

GENERAL SECRETARY. 7 OCT. 1931 No

OF THE PUBLIC PROSECUTOR MYSORE DIVISION. No 248 Date 6.10.31

OFFICE OF THE PUBLIC PROSECUTOR , MYSORE DIVISION, MYSORE.

Progress Report for 6-10-1931.

Submitted to the General Secretary to the Government of H. H. the Maharaja of Mysore.

(Law Section). Bangalore.

1. District Judge's Court, Mysore.

O. S. No. 25 of 1928-1929.

(Director of Industries & Commerce Vs Mr. V. Ramalingam)

One witness was examined for claimant.

Ex: A. Mr. Mavlankar's letter (original) to the Essenfleur Products Ltd.

For further evidence adjourned to 28-10-1931.

Sd. K. Ramaswamy,
Public Prosecutor,
Mysore Division.

No. 249. Dated Mysore 6th October 1931.

Copy submitted to the Director of Industries & Commerce in Mysore, Bangalore, for information.

Public Prosecutor,
Mysore Division.

OFFICE OF THE PUBLIC PROSECUTOR MYSORE DIVISION
No 306
Date 29.10.31

Officer of the Public Prosecutor, Mysore Division.

Progress report for 29-10-1931.

District Judge's Court, Mysore.

O.S.25 of 28-29.

Bank of Mysore Vs. Essenflour Products, Ltd.,

Director of Industries Vs. Mr. V.Ramalingam.

Plaintiff's Advocate is said to be slightly indisposed. Adjourned to 30-10-1931 for the examination of the Director of Industries and Commerce.

K Ramaswamy

Public Prosecutor,
Mysore Division.

M y s o r e.

29th October 1931.

2138
r

No.356 Mysore, dated 19th November 1931.

56

From

The Public Prosecutor,

Mysore Division,

Mysore.

Law 130-30-8

To

The General Secretary to the Government

of His Highness the Maharaja of Mysore,

Law Section, Bangalore.

GENERAL SECRETARY
20 NOV. 1931
No. 104

Ref: Your letter No.P.1693/Law dated 17/18-9-31.
Subject:- Claim to Mavlankar's Musk Products.
Encls.Five.

Sir,

I have the honour to state that for the purpose of proving the claim of the Government to obtain delivery of the late Mr. Mavlankar's Musk Products the Clerk of the Office of the Director of Industries and Commerce in Mysore, was examined on 6-10-1931. But the witness was not in a position to speak to anything beyond the custody of the late Mr. Mavlankar's letter addressed to the Essenfleur Products Ltd. authorising the Development Secretary to take delivery of the goods. The present Director of Industries and Commerce was afterwards requested to give evidence as he was the Development Secretary at the time of the Mavlankar settlement. Mr. N. Rama Rao was accordingly examined on 30-10-1931 and he deposed to the circumstances in which the late Mr. Mavlankar assigned the goods in question in favour of Government. The case for the Government was then closed as it was thought that the evidence of Mr. N. Rama Rao was sufficient to hold that the goods were prima facie the property of the assignor and that they had been validly transferred to Government. The Bank did not adduce any evidence except filing the Mortgage deeds. The schedule annexed to the deeds refer to a number of Aromatic products. But there is no specific mention made of the Musk Products. There is also a reference to the monthly list of stock-in-trade to be prepared and submitted by the Essenfleur Products Ltd. to the Bank. The Bank did not produce the stock lists. In these circumstances the learned District Judge was

2088 A/31
Survey
19/11

57

was pleased to order that a further chance to be given to the parties to adduce more evidence in the case with a view to dispose of the claim once for all without compelling the Government to resort to a regular suit. Copy of the order is enclosed for perusal.

The note appended hereunto has been prepared mostly on materials unofficially and vaguely known to me. I request that the Government may be pleased to take immediate steps to secure all the oral and documentary evidence on the points indicated in the note and to help me to bring the proceedings to a successful termination.

I have the honour to be,

S i r,

Your most obedient servant.

K Ramaswamy

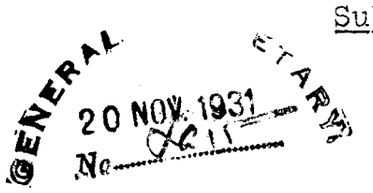
Public Prosecutor,

Mysore Division.

Confidential.

NOTE by the Public Prosecutor, Mysore Division.

Submitted to the General Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore.(Law Section)



Subject:- O. S. No. 25 of 1928-29 (The Director of Industries and Commerce Vs Mr. Baralingar) on the file of the District Judge, Mysore; Re: Claim to Navlankar's Musk Products.

Flag A. Application filed by the Public Prosecutor under Order 40 Rule 1, C. P. C., to the District Judge, Mysore, for delivery of the goods which were in the custody of the Official Receiver who was also the Managing Director of the Essenfleur Products Ltd.

Flag B. Statement of objections filed by the Bank of Mysore Ltd

Points on which accurate information is urgently required:-

(1) What are " Musk Xylol and " Musk Ambrette "? Where, by whom and for whom were they manufactured ? Is it possible to describe them as " the Manufactured goods " or " Raw materials " of the Essenfleur Products Ltd.?

(2) Did the late Mr. Navlankar owe money to Government

(3) Did he assign the Musk Products in part adjustment of the dues ?

(4) Was the late Navlankar the owner of the Musk Products

(5) On what terms and conditions did he forward them to the Essenfleur Products Ltd.?

(6) Are there any accounts and correspondence relating to the despatch of the goods to the Essenfleur Products Ltd. and their receipt by the latter ?

(7) If so, who is the present custodian of the accounts and correspondence ?

(8) Were the goods in question treated by the Essenfleur

59

Essenfleur Products Ltd., as their stock-in-trade and were they included in the monthly list of stock submitted to the Bank of Mysore Ltd.?

(9) What was the quantity that was received by the Essenfleur Products Ltd.? How much of it was sold by the latter between August 1928 and January 1930 ?

(10) Flag C. Vide copy of the late Mavlankar's letter addressed to the"Liquidator " and sent to the Secretary to the Government, Development Department s. Was there a covering letter ~~wkx~~ with which the original letter of the late Mavlankar was sent to Government ?

(11) Was there any correspondence between the Government and the late Mr. Mavlankar regarding the settlement of his dues ?

(12) Have the Government any objection to allow the undersigned to have access to the said correspondence ?

(13) Who was the Officer that effected the search of the Essenfleur Products Ltd., in March 1929 and seized the books and papers ?

(14) Is the Officer in a position to trace the invoice sent by the late Mavlankar with the Musk Products and all their relative correspondence ?

(15) Who was the Secretary or the Managing Director of the Essenfleur Products Ltd., and custodian of the Books and Accounts after the arrest of Mr. B. S. on 21-3-1929 ?

(16) Do the records now in the custody of the District Judge's Court, Bangalore, contain the Musk Products papers ?

(17) Are there any Government Officers that can identify and swear to the genuineness of the signature of the late Mavlankar ?

(18) What was the quantity of Musk Products that came to the possession of the Official Receiver ? What was the quantity sold by him What was the amount of money realized and where and when were t

the sale proceeds deposited ?

Information on the above points is urgently needed. The District Judge has been pleased to give a further opportunity to the Government to establish their right to obtain possession of the Musk Products assigned to them by the late Mavlankar. Copy of the order is enclosed (Flag D) Mr. V. Ramalingam is not in a position to enlighten us as to the circumstances in which the Musk Products were received by the Essenfleur Products Ltd. It was in August 1929 that he was appointed Receiver. No account books and papers appear to have been given to his charge.

In the opinion of the undersigned the Officers named below may be able to give reliable information and be prepared to be examined as witnesses to speak to the facts within their knowledge:-

(1) N. Rama Rao, Esqr., B. A., B. L., Director of Industries and Commerce in Mysore, Bangalore.(examined)

(2) Mr. Bhavani Shankar Rao, Office of the Director of Sandalwood Oil Factories in Mysore, Bangalore.

(3) Y. Narasinga Rao, Esqr., Asst.Commissioner, Bangalore.

(4) K. Parthasarathy, Esqr., B.A., Chemist, Mysore.

(5) A. R. Nageswara Iyer, Esqr., B. A., B. L., Government Advocate, Bangalore.

(6) D. Seshagiri Rao, Esqr., B.A., Asst. Superintedent of Police;

(7) S. G. Sastry, Esqr., B. A., M.Sc.F.C.S., Industrial Chemist, Bangalore.

(8) K. R. Krishnaswami Iyengar, Esqr., B. A., B. L., Deputy Comptroller, Bangalore.

(9) B. T. Keshavamegar, Esqr., B. A., Development Secretary, Bangalore.

(10) Mr. K. T. Sundara Rao, C/o the Modern Hindu Hotel, Bangalore.

(11) Mr. B. Sitaramachar, Engineer, Lakshmipuram, Mysore (cannot be cited)

(12) Manager, Bank of Mysore Ltd., Bangalore (will be summoned to produce monthly stock lists)

(13) Mr. V. Ramalingam, Lal Bagh Road, Bangalore.

(14) Mr. P. C. Lakshmipathaiya, Mysore.

61

The Director of Industries and Commerce may be requested to communicate with the abovenamed officers and instruct the undersigned to prepare and file additional list of witnesses before the 26th instant. The case is posted to 19-12-1931 for further evidence.

K Ramachandra

MYSORE
Date.18-11-31.

Public Prosecutor,
Mysore Division.

A 62

In the Court of the District Judge, Mysore.

O. S. No. 25 of 28-29.

Plaintiff:- The Bank of Mysore Ltd.

VS

Defendants:- The ~~Managing~~ Directors of Essenfleur Products Ltd., Mysore.

Petitioner:-The Director of Industries and Commerce in Mysore, Bangalore.

Application under Section 151 and Order XL Rule 1, C. P. C.

The Petitioner abovenamed begs to state as follows:-

1. That the consignment of Musk Xylol and Musk Ambrette specified in the schedule annexed was the property of the late Mr. K. B. Mavlankar, Essential Oils and Aromatic Chemicals, Trout Road, Viewsley, Middlesex, England.

2. That the said K. B. Mavlankar was indebted to the Government of Mysore in large sums of money. He therefore agreed to make over some of his assets to the Government of Mysore in part adjustment of the debt due to Government.

3. That in connection with the above arrangement the late Mavlankar wrote to Messrs. Essenfleur Products, Ltd., the defendants abovenamed, letter No.JMB/TD dated 2-1-30 to hand over the consignment of Musk Xylol and Musk Ambrette then (and even now) lying with Essenfleur Products Ltd., on his account, in a good order and condition to the order of the Secretary to Government, Development Departments. Copy of letter referred to above is herewith produced.

N.B;- The original letter of the late Mavlankar dated 2-1-30 is kept in safe custody in the Office of the Director of Industries and Commerce in Mysore, Bangalore. It will

63

will be produced before this ~~&~~ Hon'ble Court at the hearing, if necessary.

4. That the Secretary to Government, Development Departments, requested the Essenfleur Products Ltd., to deliver the articles referred above to the petitioner on 14-2-1930.

5. That Mr. V. Ramalingam who was the Managing Director has been appointed Receiver of the Essenfleur Products Ltd., in this suit. When Mr. V. Ramalingam was requested ~~t~~ by the Petitioner to hand over the consignment as directed by the owner the late Navlankar, Mr. Ramalingam declined to comply with the request on the ground that all the property~~s~~ of the Essenfleur Products Ltd., are vested in the District Judge's Court, Mysore, and that he is only an officer deputed to realise the value of the said properties. Copy of letter dated 11-4-1930 from Mr. V. Ramalingam to the petitioner is herewith produced.

6. That the debt due to Government from the estate of the late Navlankar is a Crown debt entitled to priority over all other debts of the deceased. Moreover, the consignment of goods left by the late Navlankar with the Essenfleur Products Ltd., is not and cannot be regarded as the subject matter of the suit filed by the Bank of Mysore Ltd., against the Directors of the Essenfleur Products Ltd.

7. The Petitioner therefore prays that Mr. V. Ramalingam who is an officer of this Hon'ble Court in his capacity as Receiver appointed to manage the assets of the Essenfleur Products Ltd, be directed to deliver the consignment of Musk Xylol and Musk Ambrette specified belwo to the Petitioner without further delay. It is apprehended that the aforesaid goods may deteriorate by being kept as they are in the Essenfleur Products Factory at Mysore, thus losing their quality, efficacy and value.

64

I, Mr. C. Ranganatha Rao Saheb, Director of Industries and Commerce in Mysore, Bangalore, do solemnly affirm that the facts stated above are all true to the best of my knowledge and belief.

Sd. C. Ranganatha Rao Sahib.
Director od Industires and
Commerce in Mysore, Bangalore.

Schedule of goods referred to above.

1. H. P. H. 2196/ 205 - 10 cases.
2. H. B. H. 7407 - 1 case consigned per S. S. " SCHIEKERK " on 8-8-1928 containing a stock of Musk Xylol and Musk Ambrette.

Bangalore.
Dated

Director of Industries &
Commerce in Mysore.

" True Copy "

Public Prosecutor,
Mysore Division.

B 65

In the Court of the District Judge, Mysore.

O. S. No. 25 of 28-29.

Plaintiff: The Bank of Mysore Ltd.

Vs

Defendants:- The Directors of Essenfleur Products Ltd., Mysore.

Petitioner:- The Director of Industries and Commerce in Mysore, Bangalore.

Statement of objection to the petition filed on behalf of the Director of Industries and Commerce in Mysore, Bangalore.

1. The suit being one to enforce a mortgage, the claim petition by the petitioner is not maintainable in law.

2. The Bank does not know whether the property in question belongs to the Essenfleur Products Ltd or to Mavlankar and puts the petitioner to proof of his claim.

3. The Bank has no objection to the property being sold immediately and the proceeds kept in court pending settlement.

Sd. M. Lakshminarayana Rao.
Advocate for Plaintiff-Bank

" True Copy "

Public Prosecutor,
Mysore Division.

Letter No: JWB/TD dated 2nd January 1930, from Mr. K. B. Mavlankar, Essential Oils and Aromatic Chemicals, Trout Road, Yiewsley, Middlesex to the Liquidator, Messrs: Essenfleur Products Ltd., Mysore, South India.

H. P. K. 2196/205 - 10 cases.
H. B. F. 7407 one case
per S/S " SCHIEKERK " - 8th August 1928.

With reference to the consignment of Musk Xylol and Musk Ambrette marked as above, now lying with you on my account, please hand this consignment over in good condition to the order and order of the Secretary to Government, Development Department.

Sd. K. B. Mavlankar.

Please deliver the articles referred to above to the Director of Industries and Commerce in Mysore.

Sd. M. Rama Rao.
Secretary to Government.
Development Departments.

Bangalore)
)
dated 14-2-30)

" Copy "

Sd. M. K. Ramaiengar.
For Director.

" True Copy "

Public Prosecutor,
Mysore Division,

D 67

In the Court of the District Judge, Mysore.

Mysore, dated 17-11-1931.

Present:. K. Shankaranarayana Rao, Esqr., M. A., B. L.,
District Judge.

O. S. 25 of 28-29.

Serial No.8.

O R D E R.

This is an application filed by the Director of Industries and Commerce in Mysore under Section 151 and Order 41, Rule 1, C. P. C. for a direction being issued to the Receiver appoint in this suit to be in charge of and to manage the assets of the Essenfleur Products Ltd., to deliver the consignment of Musk Capital Xylol and Musk Ambrette described in the schedule, to the Petitioner. On a further application made by the aforesaid petitioner orders were passed for the immeidate sale of those goods as it was represented that were likely to deteriorate by efflux of time. Mr. K. Rama Rao, the present Direct or Industries and Commerce, was accordingly appointed Commissioner for the sale of the properties and the realisations of the sale held by him of such of the properties as were handed over to him by the Receiver are none in court.

The case of the petitioner is that there properties belonged to the late Mr. K. D. Navlankar, that he entrusted the same to the aforesaid Essenfluer Products Ltd., for being sold on his behalf that they do not belong to that company, that in connection with an arrangement for the settlement of the indebtedness of the said Mr. Navlankar to the Government of Mysore, he agreed to make over these properties to Government in part adjustment of his debt and that in pursuance of that arrangement he sent the letter of authority to Mr. K.

Mr. M. Rama Rao, the then Secretary to Government, Development Departments, enclosing therewith the letter Exhibit A dated 2-1-1930 addressed to the Liquidator, requesting him to hand over the consignment referred to therein to that officer. The Petition also alleges that Mr. Rama Rao forwarded the letter to the then Director of Industries and Commerce authorising that officer to receive the articles from the liquidator and that in reply to several demands, made, the Liquidator wrote the letters marked Exhibits B, C and D, pleading that he could not hand over the goods without the permission of the Court. This application is opposed on behalf of the Plaintiff-Bank, firstly on the ground that this petition is not maintainable as the suit is one to enforce a mortgage and secondly, that the Bank does not know to whom the property actually belongs and that therefore, the petitioner should give evidence of his claim.

As regards the first objection I am satisified that the petition is maintainable. In the first place the claim in question does not relate to any immovable property. It relates to movables which are said to have been deposited with the defendant-company by the late Mr. Mavlankar for sale on his behalf. In the second place it is only an application for a direction being issued to the Receiver who is an officer of the court. In cases of this kind when a party feels aggrieved at the conduct of the Receiver the remedy open to him is in the very proceeding in which he was appointed and if it is intended to take out separate proceedings against him either in that court or elsewhere, that should be with the leave of this court in whose authority the Receiver is acting. See 26 Mad 492 and A. I. R.(1923) Rangoon 208, in which the former decision is cited with approval. This is the procedure which obtains also in England. See Halsbury's Laws of England Vol.XXIV, Page 381, para 716. This appears also to be the

the practice in America (See Page 610 of the Law of Receivers, Lawyers' Companion Series)

From the principle ennunciated in these cases it is clear that it is open to the Court to examine the claim and either give effect to it by an order in the suit itself or, if any complicated question of title is involved, to give permission for a separate suit being filed for the purpose. It seems to me that in this case the matter is not so complicated as to necessitate the grant of leave to the petitioner to file a separate suit. Indeed, the opponent-Bank is not seriously contesting this question of title, as it has pleaded ignorance of the actual title and has merely put the petitioner to formal proof of his claim.

The burden of proof lies, of course, on the petitioner to show that the property belonged to the late Mr. Mavlankar and had been entrusted by him to the defendant-company for sale. The only evidence so far adduced on behalf of the petitioner is that of petitioner's witness No. 2 Mr. M. Rama Rao the present Director of Industries and Commerce in Mysore. He deposes to the settlement effected by Mr. Mavlankar with the Government and also to the further fact of Mr. Mavlankar having written Exhibit A to Government. It is also clear from Exhibits B, C and D that the Receiver intimated to the petitioner that he had no power to hand over the properties without the permission of this Court. But this evidence does not through any light on the question of the title of Mr. Mavlankar to any of these properties. The evidence on record is thus quite insufficient to sustain the petitioner's claim to these properties and Mr. Lakshminarayana Rao wants me, under the circumstances to reject the application and to direct the petitioner to file a regular suit.

It seems to me, however, that though it is open to the

69

the Court to adopt the course suggested on behalf of the Opponent, it would be better to put an end to all further litigation in the matter by taking a little more evidence, which, I am sure, will enable the Court to come to a final decision. The deeds of mortgage relied on by the Bank show that under the agreement, the defendant-company was bound to furnish the Bank with monthly statements ofits stock and it should therefore be quite possible for the Bank to shwo from the documents when exactly the commodities in question came to the possession of the defendant-company and whether at any time that company claimed these products as its own and mentioned themø as such in any of their monthly statements. The production of such statements by the defendant-company will thus facilitate the disposal of the present claim. The same result can also be easily arrived at by securing from the Receiver all papers or correspondence relating to the circumstances under which the defendant-company came into possession of these properties which will throw valuable light on the question at issue. It is also significant that so far the company itself has not preferred any claim in respect of these articles. For further elucidation of this point, therefore, the petitioner will take immediate steps to summon both the Bank and the Receiver to produce ~~xxxxx~~ before the Court the several documents referred to above and to also take such other steps as may be necessary to formally prove those documents to facilitate the final disposal of this applicztion. For this purpose the case will be adjourned to 19th December and both parties must be ready with their evidence.

Sd. K. Shankaranarayana Rao.

District Judge.

70 2347/1931

3PB-

192 .

From

The Public Prosecutor,

Mysore Division,

To Mysore.

The General Secretary
to the Government of His
Highness the Maharaja
of Mysore, Law Sectio
Bangalore.

Dated 28-11-1931.

Despatched 28-11-1931.

Received

GENERAL SECRET
30 NOV. 19
No

General No.

No.

391.

Enclosure No. one.

Sir,

In continuation of my letter No.356 dated 19-11-1931 soliciting instructions for production of evidence in the claim case in O. S. 25 of 1928-29 (The Bank of Mysore Lt Vs The Essenfleur Products Ltd.. and others) on the file of the District Judge, Mysore, I have the honour to report that the list of witnesses to be filed on behalf of the Government has this day been filed into Court and copy thereof is erewith submitted for information. The case is posted for evidence on 19-12-1931. As the approved list of witnesses has not yet been received in this office steps have been taken in anticipation of sanction. A supplemental list may be filed hereafter, if necessary.

A copy of this letter may be sent to the Dist. P.P. & he be requested to return the main file (sent to him 4.0.45) with his opinion, so that further instructions, if any may be sent to the PP for issue

DMP
30/4

Dft put up.
For perusal before issue
TSD 30/4
Gen Secy)

DMP
30/4

30/11

Issue

DMP 30/4

Not issued as the file was with DMP 4/12

GENERAL SECRETARY
30 NOV. 1931
No
TYPING SECTION
30. NOV. 1931
GENL. & REV.

I have the honour to be,

S i r,

Your most obedient servant.

(Ramadoss)

Public Prosecutor,

Mysore Division.

IN THE COURT OF THE DISTRICT JUDGE, MYSORE.

O. S. No. 25 of 1928-29.

Plaintiff:- The Bank of Mysore Ltd.

Vs

Defendant:- The Essenfleur Products Ltd. others.

Petitioner:- The Director of Industries and Commerce in Mysore, Bangalore.

List of witnesses to be examined on behalf of the Petitioner:-

(1) The Manager, The Bank of Mysore Ltd., Bangalore.

He is requested to produce the following documents:-

(a) Lists of stock-in-trade submitted by the Essenfleur Products Ltd., every month from August 1928 to September 1929 pursuant to the last clause annexed to the schedule appended to the suit hypothecation bonds executed by the Essenfleur Products Ltd., in 1924 and 1925.

(b) Accounts sent to the Bank by Mr. V. Ramalingam, Receiver for monies realised by the sale of Mavlankar's Musk Products in part adjustment of the decree passed in O. S. 25 of 1928-29.

(c) Invoice relating to the consignment of eleven cases of Mavlankar's Musk Products marked H.P.H.2196/205 - 10 cases and H. B. H. 7407 - 1 case consigned per S. S. " Schiekerk " on 8-8-1928.

The Summons may be served on Mr. M. Lakshmi-Narayana Rao, Advocate, for Plaintiff Bank.

Process 0-10-0 Batta 0-8-0

(2) Mr. M. C. Lakshmipathaiya, Dodpet, Mysore.

He is requested to produce the file of correspondence between the late Mr. Mavlankar and the Essenfleur Products Ltd.,

relating to the despatch of Musk Xylol and Musk Ambrette in August 1928 including the invoice of goods received per S. S. " SCHIEKERK " and to give evidence.

Process 0-5-0 Batta 1-8-0

(3) Mr. V. Ramalingam, 2,Lal Bagh Road, Bangalore.

He is requested to produce the following documents and to give evidence.

(a) Lists of stock-in-trade submitted to the Bank of Mysore Ltd.,every month from August 1928 to September 1929 pursuant to the last clause annexed to the schedule appended to the suit hypothecation bonds executed by the Essenfleur Products Ltd., in 1924 & 1925.

(b) Accounts sent to the Bank by the Receiver Mr. Ramalingam for monies realised by the sale of Mavlankar's Musk Products in part adjustment of the decree passed in O. S. 25 of 1928-29.

(c) Invoice relating to the consignment of eleven cases of Mavlankar's Musk Products marked H.P.H.2196/205 - 10 cases and H.B.H.7407 - 1 case consigned per S. S. "SCHIEKERK" on 8-8-1928.

(d) File of correspondence between the late Mr. Mavlankar and the Essenfleur Products Ltd., relating to the despatch of Musk Xylol and Musk Ambrette in August 1928 including the invoice of goods received per S. S. "SCHIEKERK".

Process 0-10-0 Batta 10-0-0

The Officers named below will be examined as witnesses on behalf of the Petitioner. They will be produce documents relating to the correspondence between the Government and the late Mr. Mavlankar regarding the adjustment of certain debts, and more particularly the assignment in favour of the Government of Musk Xylol and Musk Ambrette. As the witnesses will appear in their offical capacity no summonses need be issued.

(4) N. Rama Rao, Esqr.,B.A.,B.L.,Director of Industries and Commerce in Mysore, Bangalore.(examined)

(5) Mr. Bhavani Shankar Rao, Office of the Director of Sandalwood Oil Factories in Mysore, Bangalore.

(6) Y.Narasinga Rao,Esqr., Asst.Commissioner,Bangalore.

(7) D. Seshagiri Rao, Esqr., B. A.,
Assistant Superintendent of Police,
Bangalore.

(8) S. G. Sastry, Esqr., B. A., M. Sc., F. C. S.
Industrial Chemist, Bangalore.

(9) K. R. Krishnaswami Iyengar, Esqr., M. A., B. L.,
Deputy Comptroller, Bangalore.

(10) B. T. Keshavaiengar, Esqr., M. A.,
Development Secretary, Bangalore.

Public Prosecutor,

Mysore Division.

K. Ramaswamy,
Public Prosecutor,

Margosa Lodge, Mysore,
Dated 4th December 31.

D.O. No.414.

Dear Sir,

Further to my letter No.410 dated 2-12-1931 I beg to explain the Essenfleur situation as follows:-

Musk Products Papers.

I thoroughly rummaged once again yesterday all the available records in the District Court. But there is no reference forthcoming in any register or correspondence to the despatch or -- receipt of Musk Products. Mavlankar's original letters handed to you by the First Member on 8-3-29 and other letters addressed to Mr. B.S. and Mr. Y. Narasinga Rao may be of some use to prove Mavlankar's signature in Exhibit A (letter of authority to take delivery of the Musk Products from the Receiver).

No. 415.

"Copy" Subj. to the Genl Secy for inform and instructions if any.

(Sd) K. Ramaswamy
Pbr Pleader

Appendix F G—1]

SUBJECT .....

.....

.....

Section Law

File No. 130-30

Serial No. 9

Diary No. of letter replied to .....

No. 3211

To The Public Prosecutor

Mysore.

General and Revenue Secretariat

( )

the *193*

Sir,

Date of issue 8/11/31

With reference to the correspondence ending with your letter No. 391 dated 28th Nov. 1931 regarding the further evidence to be adduced in support of the Government's claim to the Musk Products in O.S. 25 of 1928-29 on the file of the Dt Court, Mysore, I am directed to forward herewith the marginally noted documents sent by the Director of Sandal oil Factories, for production in Court. As regards proving Mr. Navlankar's signatures, it is learnt that the

Signed by

1) Mr. Navlankar's letter of 29th April 1929 to the Director of S.O.F

2) Copy of Invoice dated 8/8/28

3) Mr. Navlankar's statement made to the Director while he was here in July 1929

List of enclosures .....

4) Trade Comr's letter dated 11th Jan 1930 with which Navlankar's letter of authority was sent

Copied by .....

5) Duplicate of the Invoice dated 8/8/28.

Examined by .....

present Director can speak to it.

I am also to inform you that Mr. Bhavani Shankar Rao of the Director's Office says that he saw Mr. Mavlankar putting his signature to the typed statement above mentioned, and that his evidence therefore would be valuable.

As for establishing the fact that the Essentials Products themselves treated these goods as belonging to Mr. Mavlankar, I am to state that this has to depend on apart from the documents that may be produced in pursuance of the Summonses taken by you, on inspection of the several papers seized by the Police during the Sandal oil defalcation Case and now in the Custody of the District Court, Mysore having been produced in seven sealed tin boxes by Mr. D Seshagiri Rao, in this case (O.S. 25 of 28.29), may give some useful

G. R. S. App F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

information in this matter. A list of such papers ~~xxx~~ made by the Investigating officer and sent to the Law Secy is herewith enclosed for ~~the~~ reference & return. Item 30 of Statement B of the list may be carefully looked into.

Apart from production of documents and examination of the Director and one. Bhavani Shankara Rao I am to state that there is probably ~~a~~ ~~take~~ ~~much~~ not use in examining the other witnesses mentioned in your ~~xxxx~~ letter of the 28th Nov 1931

I have etc

3214 Revenue

Copy to Director of I & C

WJ 0327—G PB—10,000—18-5-27

MP 3/12

2736/31
P 78

OFFICE OF THE PUBLIC PROSECUTOR MYSORE DIVISION
No 455.
Date 20-12-31.

Office of the Public Prosecutor, Mysore Division.

Progress Report for 19-12-1931.

Submitted to the General Secretary to the Government of His Highness the Maharaja of Mysore, Law Section, Bangalore.

Laws. CH E: 21 DEC. 1931 MY.

District Judge's Court, Mysore.

1) O. S. 25 of 1928-29.
(The Bank of Mysore Ltd. Vs The Essenfleur Products Ltd.)
(Director of Industries Vs Mr. V. Ramalingam)

For further evidence
adjourned to 22-12-1931.

2) † O. S. 4 of 1879; In the matter of Gurukar Marimallappa's Charities.
(Director of Public Instruction Vs Mr. J. C. Rollo & Others)

Adjourned for want of time to 22-12-1931.

K Ramadhas
Public Prosecutor,
Mysore Division.

N.B;- In O. S. 25 of 28-29 Messrs. N. Rama Rao and Bhavani Shankara Rao were examined. Mr. Lakshmipathaiya did not come though served with summons. He sent a telegram from Bangalore praying for adjournment. Mr. V. Ramalingam too did not turn up. He is expected to attend court on the 22nd instant. The Bank's Advocate stated that the Bank is not in possession of the documents summoned.(Monthly stock lists and Musk Products accounts.)

K Ramadhas
Public Prosecutor,
Mysore Division.

21/12

Subs? for Perusal of Secy. I.

TSD

20-12-31

19-12-1931.

District Judge's Court, Ypsore.

O. S. 25 of 1928-29.

(The Bank of Ypsore Ltd. Vs The Assam Iron Products Ltd.)

(Director of Industries Vs Mr. V. Ramaingam)

For further evidence

adjourned to 22-12-1931.

O. S. 4 of 1929; In the matter of Gurusker Marimallappa's Charities.

(Director of Public Instruction Vs Mr. T. C. Pillo & Others)

Adjourned for want of time to 22-12-1931.

Public Prosecutor,

Ypsore Division.

K.B:- In O. S. 28 of 28-29 Messrs. M. Rama Rao and Thevasni Shankara Rao were examined. Mr. Lakshmipathiaiya did not come though served with summons. He sent a telegram from Bangalore praying for adjournment. Mr. V. Ramaingam too did not turn up. He is expected to attend court on the 22nd instant. The Public Advocate stated that the Bank is not in possession of the documents summoned.(Partly stock lists and Bank Products accounts.)

Public Prosecutor,
Ypsore Division.

K. R naswamy,
Public Prosecutor,

Margosa Lodge, Mysore.
Dated 23rd December 1931.

D.O.No.466.

Dear Mr. Jaya Rao,

I am to bring to your notice that no enclosures were forwarded to this office with letter No.P.3211/Law dated 8-12-31. The five papers noted in the letter were received subsequently by Registered post and they were produced to Court in sealed cover on 12-12-1931.

When I read the letter (No.P.3211) again yesterday I looked out for the list referred to in paragraph 2 of the letter and found that no such list was received either with the letter or with the other enclosures sent by registered post. I am afraid that the list must have been inadvertently left behind. May I request you to search for it and send it to me at once.

Yours Sincerely,

Sent today by Regd. Post 28/12

N.R.Jaya Rao,Esqr.,M.A.LL.B.,
Asst.Secretary to Govt.
Law Section,Bangalore.

Telegrams

Bangalore, Cypress

Dated 23rd December 1931

To the Prosecuto

Bevasby

D.O.No.466

Dear Mr. Vijaya Rao

I am to bring to your notice that no enclosures were forwarded to this office with letter G.P.3211/Law dated 8-12-31. The five papers noted in the letter were received subsequently by Registere post and they were produced to Court in sealed cover on 12-12-1931.

When I read the letter (No.P.3211) again yesterday I looked out for the list referred to in paragraph 2 of the letter and found that no such list was received either with the letter or with the other enclosures sent by registered post. I am afraid that the list must have been inadvertently left behind. May I request you to search for it and send it to me at once.

Yours Sincerely,

M.R.Jaya Rao,Bar.,M.A.,LL.B.,
Asst.Secretary to Govt.
Law Section,Bangalore.

2947 231 80
P

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION.

Progress Report for 4th January 1932.

Submitted to the Chief Secretary to the Govt. of His Highness the Maharaja of Mysore, Law Section, Bangalore.

Law CHIEF SECRETARY 6 JAN. 1932

District Judge's Court, Mysore.

Sub to the Commissioner 7/1 ISD

O. S. 2 of 31-32.

(Vishakantachar Vs Amildar, Mysore & Chief Secretary)

For Issues, adjourned to 5-1-32.

O. S. 25 of 28-29.

(Director of Industries and Commerce Vs Mr. V. Ramalingam)

Mr. M. C. Lakshmipathaiya appeared and stated that he is waiting for the instructions of the Manging Director to produce the Musk Products papers. Mr. M. Venkatakrishnaiya, Advocate, promised to communicate with Mr. V. Ramalingam who has gone to Madras, and report on 8-1-1932.

O. S. 4 of 1879. In the matter of the late Gurukar Marimallappa's charities.

(The Director of Public Instruction Vs Mr. J.C.Rollo & others)

Put up extract in the concerned file & submit atonce MMP 6/1

Orders passed upholding the resolution of the Board and granting pensions to the retired teachers and servants of the School. (Copy of the order will be obtained and submitted)

A Ramalingam

Public Prosecutor,
Mysore Division.

Sub: for perusal of Sec'y 2.

ISD 7/1

OFFICE OF THE PUBLIC PROSECUTOR MYSORE DIVISION
No. 502
Date 9.1.32

81 302 / 1931

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION.

Progress Report for 8-12-1932.

CHIEF SECRETARY
11 JAN. 1932

Submitted to the Chief Secretary to the Govt.
of His Highness the Maharaja of Mysore,
Law Section, Bangalore.

District Judge's Court, Mysore.

O. S. No. 25 of 1928-1929.

(Director of Industries & Commerce Vs Mr. V. Ramalingam)

11.1.32

Mr. M. Venkatakrishnaiya, Advocate for Receiver, represents that the documents referred to as items A. B. C. & D. in the Petitioner's Memo dated 28-11-1931 are not in the Receiver's custody as they are said to have been siezed by the Government. He wishes to consult his client and make a statement regarding permission to Mr. M. C. Lakshmipathaiya to produce them.

N.B:- In Ex: 30 of 30-31 the Receiver has given a list to-day of articles sold by him. It is therein stated that Musk Products of the value of Rs.1500/- have been sold to Government Soap Factory and others and the amount was credited to the Mysore Bank.(The Soap Factory bought 25 lbs only). In case our claim to Musk Products be established the money realised by their sale should be paid over to Government. But the success of our claim depends upon the evidence we expect to get from the papers which Mr. M. C. Lakshmipathaiya says he has got in his custody. If he does not produce them secondary evidence will have to be adduced of the correspondence between the Essenfleur Products Ltd and the late Mr. Mavlankar.

Public Prosecutor
Mysore Division.

Submitted for perusal.

Chief Secy)

12/1

CHIEF SECRETARY
12 JAN. 1932

13/1/32

12/1

3451-931
P 82

547

29-1-32

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION.

Progress Report for 29-1-1932.

Submitted to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, Law Section, Bangalore.

---

1 FEB. 1932

District Judge's Court, Mysore.

O. S. No. 25 of 1928-29.

(Director of Industries Vs Mr. V. Ramalingam)

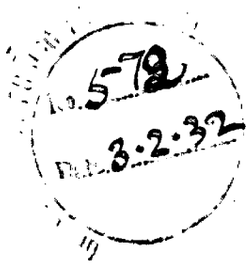
Mr. M. C. Lakshmipathaiya who has been summoned to produce the Musk Products papers has gone to Bangalore.

Adjourned for his appearance to 3-2-1932.

Public Prosecutor,

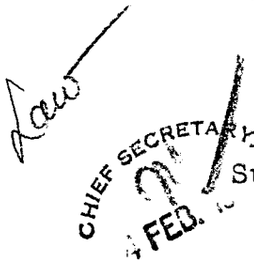
Mysore Division.

83 3526 P 31



OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION.

Progress Report for 3-2-1932.



Submitted to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, Law Section, Bangalore.

District Judge's Court, Mysore.

O. S. No. 25 of 1928-29.

(Director of Industries & Commerce Vs Mr. V.Ramalingam)

Mr M. C. Lakshmipathaiya is reported to have gone to Bangalore, and not yet returned.

Hence adjourned to 5-2-1932.

A Ramadas

Public Prosecutor,
Mysore Division.

For Perusal.

84

3577/31

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION.

Progress Report for 5-2-1932.

Submitted to the Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Law Section, Bangalore.

District Judge's Court, Mysore.

O. S. No. 25 of 1928-29.

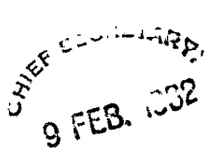
(Director of Industries & Commerce Vs Mr. V. Ramalingam)

Mr. M. Venkatakrishnaiya, states that the Receiver has no objection to the production of the papers summoned for from Mr. M. C. Lakshmipathaiya as already submitted by Mr. V. Ramalingam in person in Court on 19-1-32.

Petitioner's 4th witness Mr. M. C. Lakshmipathaiya further examined.

Out of the amount in deposit in Court Rs.57-11-0 will be paid to the Director of Industries and Commerce in settlement of the claim referred to by him in his letter dated 19-1-32.

Mr. K. Ramaswamy wants to examine the Industrial Chemist and Mr. K. T. Sundara Rao, who was the then Accountant of the Essenfleur Products Limited.



Adjourned for same to 19th instant.

K Ramaswamy

Public Prosecutor,
Mysore Division.

IN THE COURT OF THE DISTRICT JUDGE, MYSORE DIVISION.

O. S. 25 of 1928-29.

Petitioner:- Director of Industries and Commerce in Mysore, Bangalore.

VS

Opponent:- Mr. V. Ramalingam, Receiver.

Deposition of Petitioner's 4th witness Mr. M. C. Lakshmipathaiya.

I have brought the papers relating to the correspondence between Mr. Mavlankar and the Essenfleur Products Company regarding Musk Products. I am in possession of these papers as I happened to be in charge of the business of management of this Company as also of the allied ones, in pursuance of formal resolutions passed at the conjoint meeting of all the share-holders of all the allied concerns.

I have brought three separate files of papers relating to this transaction.

Exhibit H is the file relating to the entrustment of Musk Products by the late Mr. Mavlankar to the Company and the purpose thereof. It consists of original letters received from Mr. Mavlankar and copies of replies sent to him in this connection. These are Exhibits H 1 to H 8. I can identify Mr. Mavlankar's signature in Exhibit H 4. It is his. The Essenfleur Products Company cleared the consignment referred to in H 4 and wrote to him as per Ex.H 5. We received H 7 in reply to H 5. H 7 has been signed for Mr. Mavlankar by somebody.

The file of papers relating to the clearance of goods from the Madras Harbour. The amount spent in this connection was roughly Rs.1000/- including Railway freight from Madras to Mysore.

86

The K file of papers relates to the correspodence between the Government Soap Factory, Bangalore and the Company about the sale of 55 lbs of Musk Xylol. For this quantity the Company sent Mr. S. G. Sastry a bill for Rs.275/- along with Ex.K.4. Ex.K.6 is Mr. Sastry's reply to Ex: K. 4 stating that Mr. Mavlankar had already received payment for the said product.

Most of these papers bear numbers and dates which indicate the " To and From " numbers as given thereto in the To and From Registers of the firm which are even now in my custody.

All the correspondence relating to accounts used to be initialled by Mr. Sundara Rao, the Accountant of the Company. H 4 and H 7 bear his initials.

Cross-Examination by Mr. M.L.N.Rao.

I have not brought the To and From Registers of the Companies. I must have been handling all these papers, though, being correspondence relating to accounts, I was not initialling them. H series do not bear my initials nor the J & K series.

I do not know the state of accounts between Mr. Mavlankar and the Company. I am in possession of some books but not all. The last ledger relating to the account between the Company and Mr. Mavlankar was seized by Government and is in their custody. I do not know if he was finally a credit of or debit to, to the Co.

Re-Examination:-

I was not asked to produce the To Registers and so I have not brought them. As I was doing Secretarial work in the Company I say that all this correspondence used to pass through me.

Cross-Examination by MR. M.V.K.

These papers have all along been with me. They were at no time with the Receiver. I have no personal knowledge of these Musk Products. But I have heard to that effect. The Receiver was in possession of the Factory and all the articles etc. I

87

I had only the papers and nothing else with me.

I came to know about 15 days ago that the Receiver sold some Musk Products. A stock book was being maintained by the Company. I do not know if it is still with me or was seized by Government.

Re-Examination.

The Receiver took possession of the Factory under the orders of the Court. But Was he did not take over these papers from me they continued to remain with me.

-------- Sd. K. Shankaranarayana Rao.

District Judge.

5-2-32.

Ber Regd Post 88

4198/31

GPB-

192

From
The Public Prosecutor
Mysore Division
Mysore

To
The Secretary to the Govt of
H.H. the Maharaja of Mysore
Development Dept
Law Section. Bangalore.

Dated 10-3-1932.

Despatched

Received

General No. 670
No.

Enclosure No.

804
11/3

Sir,

I have the honor to return herewith five lists of records relating to the Sandalwood oil Revenue defalcation Case — received in this office with your letter No. 3211- Law- dated 8/12/31 & in response to my D.O. No. 466 dated 23.12.1931,

The above noted papers were received for the purpose of tracing the custody of the Musk products papers of the Essenbleem Ltd - But it was subsequently discovered that the police did not seize the Musk products papers and that they had been left in the office of the Managing Agents -

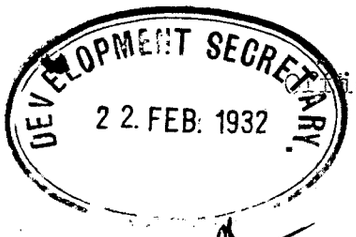
Mr. M.C. Lakshmipathi Secretary to the Mysore Development Syndicate was accordingly summoned to produce them in O.S. 25 of 28-29 (Director of Industries vs Mr Ramalingam) the papers thus produced have been marked as "Exhibits H.J. & K series.

I have the honour
to be Sir
Your most obedient
Servant

T Ramachandra
Public Prosecutor.
Mysore Dist.

90385 P 31

Law



Office of the Public Prosecutor, Mysore Division,

Progress Report for 29-2-1932.

Submitted to the Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Law Section, Bangalore.

District Judge's Court, Mysore.

O. S. No. 25 of 1928-29.

(Director of Industries & Commerce Vs Mr. V. Ramalingam)

Messrs. S. G. Sastry and K. T. Sundara Rao examined for petitioner.

Mr. M. V. K. represents that he has written to Mr. Ramalingam and wants time to produce the documents he has been summoned for.

Adjourned for the above purpose to 7-3-1932.

Public Prosecutor,
Mysore Division.

Subd for perusal.

663

7-3-32

417/931
91

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION.

Progress Report for 7-3-1932.

Submitted to the Secretary to the Government
of His Highness the Maharaja of Mysore,
Development Department, Law Section, Bangalore.

District Judge's Court, Mysore.

O. S. No. 25 of 28-29

(Director of Industries & Commerce Vs Mr. Ramalingam)

Decree-holder by Mr. M. Laxminarayana Rao.
Mr. K. Ramaswamy for Claimant.

Mr. M. Venkatakrishnaiya says that the Receiver has not been able to trace the original papers summoned and that his client has no objection to the copies thereof, if any, being filed as evidence.

Adjourned for same being done to 8-3-1932.

Public Prosecutor,
Mysore Division.

664
9.3.32

4173831
P 92

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION.

Progress Report for 8-3-1932.

Submitted to the Secretary to the Government of His Highness the Maharaja of Mysore, Development Department, Law Section, Bangalore.

District Judge's Court, Mysore.

O. S. No. 25 of 1928-29.

(Director of Industries & Commerce Vs Mr.Ramalingam)

Parties as before.

The claimant examined one more witness and closed his case. He files S.No.X for the value of the Musk Products claimed by him being ordered to be paid by the Receiver.

Adjourned for final disposal to 15-3-1932.

N.B:- Copy of application enclosed.

T Ramsamy

Public Prosecutor,
MysoreDivision.

4095 931 P 93

663 9.3.32 Enclosed

DEVELOPMENT SECRETARIAT 11. MAR. 1932

In the Court of the District Judge, Mysore.

O. S. No. 25 of 1928-29.

The Bank of Mysore Ltd Vs The Essenfleur Products Ltd.

Petitioner:- Director of Industries and Commerce in Mysore, Bangalore.

Vs

Opponent:- Mr. V. Ramalingam (Receiver).

Application under Section 151 and Order 20 Rule 10 C. P. C. filed on behalf of the petitioner.

The Petitioner abovenamed begs to state as follows:-

1. That after the consignment of Musk Products was assigned to the petitioner, the Receiver Mr. Ramalingam was requested on 19-2-1930 to deliver the goods to the Industr' Chemist. The demand was renewed on 1-4-1930. The Receiver pleaded inability to comply with the request to deliver the goods without the permission of the Court.

2. That even after the application was filed the Receive did not appear before this Court or seek its instructions regarding the petitioner's claim. It was only in August 1931 that the Receiver delivered the remnant of the stock of Musk Products to the petitioner as per orders of the Court. The quantity delivered was as follows:-

(1)	Musk Xylol	282¼ lbs
(2)	Musk Ambrette	99 lbs.
		381¼ lbs.

3. That in his letter dated 2-7-1931 the Receiver told the petitioner for the first time that he had sold some quantity and he promised to furnish details. In this letter dated 22-2-1932 the Receiver has furnished particulars of sales effected by him. It is evident that the Receiver has disposed of the goods contrary to the condition of bailment and without

94

without the permission of the Court. The total quantity of musk products that was due to the petitioner was 475 Kilos or 1064 lbs 6 oz. Out of this quantity 381 lbs 4ozs were delivered to the Director for auction sale and the sale proceeds have been deposited in the Court.

4. That the petitioner therefore entitled to get the amount held in deposit and also the price of ~~Musk-Products~~ 683 lbs 2 ozs. The prevailing market rate of the price of Musk products in April 30 was Rs. 4 - 8 - 0 per lb as shown to by Mr. S.G.Sastry.

5. That the entire quantity has been disposed of by the receiver without the permission of the Court. He is therefore liable to pay the petitioner the value of 683 lbs 2 ozs. at Rs. 4-8-0 per lb. That is Rs. 3074-1-0.

6. It is therefore prayed that this honourable Court may be pleased to order that the Receiver do pay Rs. 3074-1-0 together with the costs of these proceedings from the assets in his hands of the property belonging to the Essenfleur Products Limited. The Court may be further pleased to direct that the amount realised by the sale of 381 lbs 4 ozs be paid to the petitioner immediately.

(sd) K. Ramaswamy.
Public Prosecutor.
Mysore Division.

Dated. 8-3-1932.

4297/Q5/P/Q31

Office of the Public Prosecutor, Mysore Division.

Progress Report for 15-3-1932.

Submitted to the Secretary to the Government of His Highness the Maharaja of Mysore, Development Departt. Law Section, Bangalore.

District Judge's Court, Mysore.

O. S. No. 25 of 1928-29. (Musk Products Case)

(Director of Industries Commerce Vs Mr. Ramalingam)

At the request of Mr. Venkatakrishnaiya for Mr. V. Ramalingam adjourned to 18-3-1932.

Public Prosecutor,
Mysore Division.

OF THE PUBLIC ... No. 685 ... 19-3-32

4342/31 P 96

Office of the Public Prosecutor, Mysore Division.

Progress Report for 18-3-32.

Submitted to the Secretary to the Government
of H. H. the Maharaja of Mysore,
Development Department, Law Section,
Bangalore.

District Judge's Court, Mysore.

O. S. No. 25 of 1928-29. (Musk Products Case).

Arguments heard.

For orders 19-3-1932.

Public Prosecutor,
Mysore Division.

97-4444/31

GENERAL SECRETARIAT
28 MAR. 1932
No. Law

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE.

PROGRESS REPORT FOR 21-3-32.

Submitted to the General Secretary to the Government of H.H. the Maharaja of Mysore, Law Section. Bangalore.

District Judge's Court. Mysore.

O.S.No: 25 of 28-29.

Serial No: 8.

Early Disp 28/3

Director of Industries and Commerce.

VS

Mr. Ramalingam.

Orders pronounced.

Application allowed woth costs,

Copy of last paragraph of the order is enclosed.

27.3.32.

Public Prosecutor,

Mysore Division.

The amount lying in court representing the proceeds of some musk products sold under the orders of the court will be handed over to the petitioner who has been held entitled to the musk products in question. The Bank of Mysore who had every opportunity of knowing the true state of affairs and who nevertheless put forward a contention which has been held to be untenable must bear the costs incurred by the petitioner in these proceedings. The receiver whose duty it was to obtain the orders of the court and who did not put forward any contest cannot be made liable for the costs of the petitioner. He must however bear his own costs. Advocate's fee Rs 25/-

Copy

Prl. Sub Judge

Prl. Civil Judge

27.3.82.

99
1

Appendix F G—1]

SUBJECT .....

.....

.....

General and Revenue Secretariat

( )

the *193*

Date of issue 30/3/32

Signed by M Roy

Section

File No.

Serial No.

Diary No. of letter replied to .....

No 5737

To

The PRr. Mysore

Sir,

Subject:- Re. wrong entry in the file of the Dist. Judge Kolar (Kingoge vs Mr. Ramaiya) with reference to

Your letter no nil dated 29th March 1932 intimating that the petitioner's application in the above case is allowed with costs. I am directed to request that a Copy of the order may kindly be obtained and sent for information of Govt immediately.

I have etc

for Secretary

List of enclosures..... TSD 29/3

The extract sent is not sufficient to know what order has been passed with respect to the claim for Rs 3000+odd against Mr Ramaiya as Receiver.

Copied by .....

Examined by .....

BM 29/3

4576 P 31
P 100

Law 130-30-11

Camp No 8

GENERAL SECRETARY.
4 APR. 1932
No. Law
From

Office of the Public Prosecutor, Mysore Division.

Dated camp Hassan 1st April 1932.

The Public Prosecutor,

Mysore Division.

Early
DO
4/4

To

The General Secretary to the Government of Mysore,

Bangalore.

Sir,

1) With reference to your letter No. P5737/Law dated 30th March 1932 calling for immediate information regarding the nature of the order on the petition filed by the Director of Industries and Commerce against Mr. V. Ramalingam in OS.No.25 of 28-29 on the file of the District Judge, Mysore Division, I have the honour to state that the order in the above case was passed on 21-3-32 before which date I had left Mysore for Hassan. The extract from the order submitted from here with the progress report was copied from an unauthenticated pencil copy of the order sent to me by my clerk. A certified copy of the order will be obtained in the usual course and submitted to Government.

2) The application originally filed by us was for a direction to the Receiver to hand over the goods to the Government according to the instructions of the owner the late Mr. Mavlanker. The Court was satisfied after recording evidence that the goods were the prope of the late Mr. Mavlanker and the Government became entitled to them under the letter of assignment. The Court has accordingly held that " It is therefore the duty of the Receiver as per instructions contained in Exhibit A to hand over to the Director of Industries and Commerce such of the goods covered by that letter as happened to be in his custody on that date and he is hereby directed either to hand over the said goods or to otherwise duly account for the same to the petitioner".

b) On the application for money compensation filed by me the order passed by the Judge is as follows. " Mr.Ramaswami contended that the Court must provide in its order that in the event of the Receiver not being able to satisfactorily account for the goods he must be directed to pay to Govern ment damages at rates which have been deposed to as the mar ket value of the Goods by Mr.S.G.Sastri in the course of -- evidence as the 6th witness for the claimant. But it seems to me that such a prayer cannot be granted. All that can be le- gally done in these proceedings is to determine who is entitled to to the products and as it has been held above that it is the Government that is entitled to the custody of the goods to direct the Receiver to hand over the goods to the petitioner. In the event of the Receiver failing to do so or to satisfacto rily account for the same, the petitioner will surely be advised to enforce his rights conferred on the Government by Mr.Mavlan ker- the owner of the goods."

c) " I must however dispose of one other question raised in the course of the arguments viz., of the costs incurred by the Company in taking delivery of the goods. As the relationship between the Essenfleur Products Company and Mr, Mavlanker was one of Agent and Principal, the Receiver as representing the Company would be entitled to all costs legitimately incurred in taking delivery of the goods from the Customs and Warehouse viz., Rs 934/- paid to Messrs Binny and Company as is clear from the latter's letter J.15 and the bill J.14 sent to the Company. To the extent of this amount the Company has a lien on the goods as provided in Section 221 of the Indian Contract Act."

d) From a communication received from Mr.V.Ramalingam a few days before arguments were heard, it is learnt that Mr.Ramalingam has sold musk products of the value of Rs.1250/-and has sent a quantity of the goods for sale to Bombay. The amount already realised by the sale appears to have been credited to the Bank of Mysore. Mr.Ramalingam should now be called upon to get

get back the unsold goods and deliver them to Government and to account for the vale of the goods already disposed of. These details of accounts and the alternative liability of the Receiver were considered to be too complicated to be gone into on the miscellaneous side; hence the District Judge has in his discretion granted the original application and left it to the parties to adjust their differences, if neces sary, in separate proceedings.

I have the honour to be,

Sir,

Your most obedient servant,

PUBLIC PROSECUTOR.

O.S. 25/2015 on the file of the Distt Judge. Records

the main file sent to the Dist. Secretary is awaited.

15/7/16

Appendix F G—1]

SUBJECT .....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to .....

No. 6161/G

To The Director of Industries Mysore

Subject: O.S. 25/28-29 on the file of the Dist. Court Mysore (Director of Industries Mysore vs Mr. Ramalingam)

General and Revenue Secretariat-

( )

the *193*

Date of issue 27/4/32

Signed by M. Rao

Sir,

I am directed to forward herewith Copy of the letter no. Camp D. dated 4th April 19 received from the Public Prosecutor Mysore re: the order passed on the application under Sec 151 & order 40 rule 1 C.P.C. in the above Case and to state that prompt action Should be taken for recovering ~~the money~~ the ~~Assets~~ remaining ~~the~~ ~~value of the~~ Quantity of Silk Products & its value ~~Product~~ Sold away by the receiver

List of enclosures .....

Copied by .....

Examined by .....

WD 71—GBPM—40,000—20-7-31.

74

From the Receiver, re V. Ramalingam

~~may kindly be taken early and~~ A separate suit will be necessary for this purpose, ~~the action taken intimated for~~ ~~information of Govt~~ if Mr Ramalingam is not agreeable to settle the matter otherwise.

have etc

ISD 19/4

for Govt see

Hm

Copy to the PP, Mysore for necessary action

J 616

07 27 4 3 22

BNP 19/4

25th April 1932.

The

The Director of Industries and Commerce
in Mysore, Bangalore.

Subject.- O.S. 25/28-29 on the file of the District Court, Mysore. (Director of Industries and Commerce Vs. Mr. V. Ramalingam)

I am directed to forward herewith copy of the letter No. Camp. D. dated 4th April 1932 received from the Public Prosecutor, Mysore, re the order passed on the application under Section 151 and order 40 Rule 1 C.P.C. in the above case and to state that prompt action should be taken for recovering the remaining quantity of musk products or its value from the Receiver Mr. V. Ramalingam. A separate suit will be necessary for this purpose, if Mr. Ramalingam is not agreeable to settle the matter otherwise.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- H.V. Ramaswami,
General Secretary to Government

J.R.G.3

Cn 6

Memo No. dated, Bangalore, the 25th April 1932.

Copy of the foregoing is forwarded ~~xik~~ to the Public Prosecutor, Mysore, for necessary action.

By order,

for General Secretary to Government.

ISD

4576

5461/83/P 107

3PB-

192

From

The Public Prosecutor,
Mysore Division,
Mysore.

To

The General Secretary to the
Government of His Highness
the Maharaja of Mysore.
Law Section, Bangalore.

Dated 21st May 1932.

Despatched 21st May 1932.

Received

General No.

No. 825.

GENERAL SECRETARY
23 MAY 1932
No.

Enclosure No. one.

Sir,

In continuation of my report No. Camp D dated 1-4-1932, I have the honour to submit herewith a verbatim copy of order passed by the District Judge, Mysore in Mis. No. 101 of 31-32 (The Director of Industries and Commerce Vs Mr. V. Ramalingam) in the Musk Products Case.

I have the honour to be

S i r,

Your most obedient servant

Public Prosecutor,
Mysore Division.

In the Court of the District Judge, Mysore Division.

Mysore, dated 21st March 1932.

Present:- K. Shankaranarayana Rao Esqr., M. A., B. L.,

District Judge.

O. S. No. 25 of 1928-29.
Mis. No. 101 of 31-32.

Serial No.8.

Petitioner:- The Director of Industries and Commerce in Mysore, Bangalore.

Vs

Opponents:-1. The Bank of Mysore Limited, Mysore.
2. The Directors of Essenfleur Products Ltd., Mysore.

O R D E R.

In the order of this court dated 17-11-1931 the petitioner was directed to summon both the Bank of Mysore and the Receiver to produce before the Court all statements submitted by the defendant-company relating to its stock pledged to the Bank of Mysore with a view to determine whether the musk products in dispute were at any time included amongst the articles pledged and correspondence relating to the circumstances under which the defendant came into possession of the properties under dispute.

In pursuance of the order of the court, the petitioner summoned both the Bank of Mysore and the Receiver to produce all the aforesaid documents. In spite of it, however, neither the Bank nor the Receiver produced any of the statements called for. But the correspondence between the late Mr. Mavlankar, the Essenfleur Products Ltd., and the Director of Industries and Commerce has now been produced and some witnesses have been examined on behalf of the petitioner to formally prove the said documents

documents and transactions.

Exhibit H 4 dated 7-8-1928 makes it clear that Mr. Mavlankar sent, as per invoice Ex.J 12 of even date, 1102 lbs of Musk Xylol and 110 lbs. 4 oz of Musk Ambrette to the Essenfleur Products Co.Ltd., requesting them to take charge of the goods after clearing them from Customs and Warehouse, on his account. H 6 which is a copy of the letter dated 10-11-1928 addressed to the Company by Mr. Mavlankar, shows that the Company took delivery of the goods after payment of the import duty and awaited his instructions as to the disposal of the goods. The purpose for which they were despatched is clear from Mr. Mavlankar's letter H 7 dated 17-10-28 in which he says that he sent them to the Company for safe custody so that they might be sold whenever possible to customers in India and that he also requested the Company to keep the goods in its custody and to await further instructions from him. Exh H.8 dated 21-11-1928 shows that as per Mr. Mavlankar's instructions 55 lbs and 2 ozs of Musk Xylol priced at £.17-4-6 was delivered to the Government Soap Factory but that the latter did not make any cash payment on the ground that Mr. Mavlankar had already received payment vide letter Exhibit K 6 dated 15-11-1928 from the Industrial Chemist, Soap Factory, to the Company and H 8 copy of Company's letter to Mr. Mavlankar. These letters as also the other correspondence exhibited in the case, including Exhibit E dated 29-11-1929 written by Mr. Mavlankar himself to the Director, Sandal Oil Factories in Mysore, shows that the object of the delivery of the goods by Mr. Mavlankar to the Essenfleur Products Limited was to enable the latter to effect sales for and on behalf of Mr. Mavlankar, as and when a convenient opportunity arose and the, as per Exhibit E, he requested the Director of Sandal Oil Factories to take delivery of the entire stock less

less 25 kilos of Musk Xylol already delivered to the Soap Factory for a like purpose. The Director did not however take possession from the Company as per Ex.E, and it was only after Mr. Mavlankar himself formally authorised the Secretary to Government, Development Departments to take over the goods as per his letter Ex.A dated 2-1-1930 addressed to the Receiver, which was duly forwarded by the Trade Commissioner in London to the Director of Sandal Oil Factories, along with his letter A 1 dated 11-1-1930 that the Director of Industries and Commerce in Mysore called upon the Receiver to hand over the goods. It is thus clear that the goods belonged to Mr. Mavlankar and that the Essenfleur Products Co.Ltd., were only bailees of these goods.

It was contended on behalf of the Bank of Mysore that these goods formed part of the stores of the Essenfleur Products Co.Ltd., which had been pledged to them by the Company under Exhibits II, III and IV and as that in the schedule thereto, it was specified that all kinds of raw materials etc., " that are now stored and or that may hereafter be stored from time to time in our godowns." were pledged and that the Bank must be deemd to have a lien upon them in respect of the debts due by the Company. Under these deeds, the defendant-company was bound to furnish the Bank with its monthly stock and though both the Company and the Bank were summoned to produce such statements none such were filed in Court. The presumption therefore is that the Musk Products did not form part of the goods pledged. Further, it is not all goods found lying in the godowns or stores of the Company that can be said to be its property more especially when the aforesaid correspondence makes it clear that the Company were entrusted with the goods merely for sale. I therefore hold that the Essenfleur

Essenfleur Products Co.Ltd., have no interest in these goods and that the Bank cannot have any lien on them. On the other hand, the Government of Mysore are entitled to the same by virtue of the authority duly given to them as per Ex.A by Mr. Mavlankar, who was the owner of the goods. It is therefore the duty of the Receiver as per instructions contained under Exhibit A to hand over to the Director of Industries and Commerce such of the goods covered by that letter as happened to be in his custody on that date, and he is hereby directed either to hand over the said goods or to otherwise duly account for the same to the petitioner.

Mr. Ramaswamy contended that the Court must provide in its order that in the event of the Receiver not being able to satisfactorily account for the goods, he must be directed to pay to Government damages at rates which have been deposed to as the market value of the goods by Mr. S.G. Sastry, in the course of his evidence as the 6th witness for the Claimant. But it seems to me that such a prayer cannot be granted. All that can be legally done in these proceedings is to determine who is entitled to the products and as it has been held above, that it is the Government that is entitled to the custody of the goods to direct the Receiver to hand over the same to the petitioner. In the event of the Receiver's failure to do so or to satisfactorily account for the same, the petitioner will be surely at liberty to take such steps as they may be advised to enforce their rights conferred on them by Mr. Mavlankar, the owner of the goods.

I must therefore dispose of one other question raised in the course of the arguments viz: of the costs incurred by the Company in taking delivery of the goods. As the

the relationship between the Essenfleøur Products Co.Ltd., and Mr. Mavlankar was one of the Agent and Principal, the Receiver as representing the Company, would be entitled to all costs legally legitimately incurred in taking delivery of the Customs and Warehouse viz, the sum of Rs.934/- paid to Messrs. Binny & Co., as is clear from the latter's letter J 15 and the Bill J 14 sent to the Company. To the extent of this amount, the company has a lien on the goods as provided in Section 221 of the Indian Contract Act

The amount lying in Court representing the proceeds of some Musk Products sold under the orders of the Court will be handed over to the petitioner who has been held entitled to the Musk Products in question. The Bank of Mysore who had every opportunity of knowing a true state of affairs and who nevertheless put forward a contention which has been held to be untenable, must bear the costs incurred by the petitioner in these proceedings. The Receiver whose duty it was to obtain the orders of the Court and who did not put forward any contest cannot be made liable for the costs of the petitioner. He must however, bear his own costs.

Advoate's fee Rs.25/-

Sd. K. Shankaranarayana Rao.

District Judge.

21-3-32.

Appendix F G—1]

SUBJECT .....

.....

.....

Section Law
File No. 130-30
Serial No. 10.

Diary No. of letter replied to .....

No P 6869/Enc 1

To the Director of Industries &

Subject:- [illegible] 101 of 31-32 in O.S. 25/29 on the file of the Dist. Court Mysore (Director of I & C vs Mr. V. Ramaliga

General and Revenue Secretariat

( )

the *193* .

Date of issue 30.5-32

Sir,

Signed by Hon N. R. Jayarao

In continuation of this office letter no. C. 6161 dated 27th April 1932, I am directed to forward herewith for observation a Copy of the order passed ~~on the application under~~ in the above case relating to Musk ~~Sec 151 C.P.C. in the above case~~ Products ~~above case~~ and to request you to be so good as to intimate for information of Govt. the Action taken by you in the matter of receiving the remaining quantity value of the of musk products ~~of its value~~ from the receiver Mr. V. Ramaligam as desired in the letter under reference.

List of enclosures .....

Copied by 28/5

Examined by .....

WD 71—GPBM—40,000—20-7-31.

I.S.D. 28/5

28/5 I have the

615631
P114
Law/30-30-11

Telegraphic Address.—"INDUSCOM."

GOVERNMENT OF MYSORE.

DEPARTMENT OF INDUSTRIES AND COMMERCE.

In reply please refer to
No. D2-1122/29-30.
Encl,

OFFICE OF THE DIRECTOR,

Dated, Bangalore, 27th June, 1932

FROM

N. RAMA RAO, Esq., B.A., B.L.,
Director of Industries and Commerce in Mysore,
Bangalore, (India.)

To

The General Secretary to the Government
of Mysore, Bangalore.

GENERAL SECRETARY
28 JUNE 1932
No. 71

Sir,

Mis.101 of 31-32 in O.S.25/28-29 on the file of the District Court, Mysore (Director of Industries and Commerce VS Mr. V. Ramalingam).

With reference to your letter No.P.6869 dated 30-5-1932 and your reminder No.P.7115/Law dated 17-6-1932, 2 enquiring of the action taken for the recovery of the remaining quantity of the musk products from Mr. V. Ramalingam, I have the honour to state as follows:-

A registered notice was issued to Mr. Ramalingam on 4-5-1932 calling upon him to render accounts for the balance, viz., lbs.683-2 of the musk products valued at Rs.3074-1-0 remaining unaccounted for by him within 15 days and informing him that in case of failure to do so, he would be proceeded against in a court of law for the recovery of the amount. The notice was acknowledged by one Mr. R. Venkateasa Moorty who wrote to say that Mr. Ramalingam was then away at Ooty on medical advice and that the notice would be sent to him for needful. But no reply having been received from Mr. V. Ramalingam till 8-6-1932, another notice registered for acknowledgment was sent to him on 8-6-32 informing him that in case of failure on his part to account for the balance of the musk products, I would proceed against him in a court of law for the recovery of the amount. The postal acknowledgment form has been received here signed by Mr. Ramalingam, but he has not sent any reply so far. The connected records were forwarded to the Public Prosecutor, Mysore, simultaenously with the second registered notice for preparing a plaint. I may say in this connection that from

from the past experience with Mr. Ramalingam, he will not be sending any satisfactory reply to the notice and that a suit will have to be filed against him for the recovery of the amount.

I shall be submitting the plaint to Government for approval on receipt from the Public Prosecutor.

I have the honour to be,
Sir,
Your most obedient servant,

DIRECTOR.

ks)3.

These are certain papers in the file belonging to the Denison Library; for orders please

They have to be returned to the Connected Library or recorded here.

ISD
7/7

may be retained here

ME
7/7